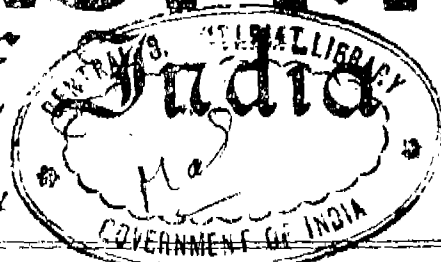




भारत का राजपत्र The Gazette of India

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सं. 6]
No. 6]

नई दिल्ली, शनिवार, फरवरी 10, 2001/माघ 21, 1922
NEW DELHI, SATURDAY, FEBRUARY 10, 2001/MAGHA 21, 1922

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (E)
PART II—Section 3—Sub-Section (E)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय की छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)
नई दिल्ली, 25 जनवरी, 2001

का. भा. 207.—केन्द्रीय सरकार एतद्वारा
दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का
अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5
की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते
हुए असम राज्य सरकार की अधिसूचना सं. पी एल ए
(बी) 2/97/84 दिनांक 9-7-1999 द्वारा प्राप्त असम
राज्य सरकार की सहमति से पुलिस स्टेशन पलटन
बाजार, असम राज्य में वर्ज मामला एफ आई आर सं.
199/98 दिनांक 12-4-1998 और मामला एफ आई आर
सं. 202/98 दिनांक 12-4-1998 के संबंध में भारतीय
दंड संहिता की धारा 409 के अधीन अपराधों तथा उपर्युक्त
अपराधों से संबंधित अथवा संसक्त प्रयत्न, दुष्प्रेरण और
पड़ोस तथा उसी संव्यवहार के अनुक्रम में किए गए उन्हीं
तथ्यों के उद्भूत किसी अन्य अपराध का प्रत्येक्षण करने

के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों
और अधिकारिता का विस्तार सम्पूर्ण असम राज्य पर करती
है।

उपर्युक्त अधिसूचना भारत सरकार, कार्मिक, लोक
शिकायत तथा पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग)
की दिनांक 9-7-1999 की अधिसूचना सं. 228/27/97-
ए वी डी-II के आंशिक आशोधन में जारी की जाती है।

[सं 228/27/97-ए. वी. डी.-II]

हरि सिंह, अवध सचिव

MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSION

(Department of Personnel and Training)

New Delhi, the 25th January, 2001

S.O. 207.—In exercise of the powers conferred
by sub-section (1) of section 5 read with section
of the Delhi Special Police Establishment Act, 1946

(Act, No. 25 of 1946), the Central Government with the consent of the State Government of Assam vide Notification No. FLA(V)2/97/84 dated 9-7-1999, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Assam for investigation of offences under section 409 of Indian Penal Code and attempt, abetment and conspiracy in relation to or in connection with the above offences committed and other offence committed in the course of the same transaction arising out of the same facts relating to case FIR No. 100/98 dated 12-4-1998 and also case bearing FIR No. 202/98 dated 12-4-1998, registered with Police Station Paltan Bazar, State of Assam.

The above notification is issued in partial modification of Notification No. 228/27/97-AVD-II dated 9-7-1999 Government of India, Ministry of Personnel, Public Grievances and Pensions, (DP&T).

[No. 228/27/97-AVD.II]

HARI SINGH, Under Secy.

वित्त मंत्रालय
(राजस्व विभाग)

आदेश

नई दिल्ली, 9 जनवरी, 2001

स्टाम्प

का.आ. 208.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, मे. घाघरा शुगर लि., नई दिल्ली को उक्त कम्पनी द्वारा जारी किए जाने वाले 0000001 से 1000000 तक की विशिष्ट संख्या वाले 100-100 रुपए मूल्य के मात्र दस करोड़ रुपये के समग्र मूल्य के 1000000 वैकल्पिक परिवर्तनीय ऋण-पत्रों पर केवल सात लाख पचास हजार रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है।

[सं. 5/2001-स्टाम्प फा.सं. 33/77/2000-बि.क.]

अ.र.जी. छाबड़ा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 9th January, 2001

STAMPS

S.O. 208.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Ghaghara Sugar Limited, New Delhi to pay consolidated stamp duty of rupees seven lakh fifty thousand only on 1000000 Optional Convertible Debentures of rupees one hundred each bearing distinctive numbers from 0000001 to 1000000 aggregating to rupees ten crore only, to be issued by the said Company.

[No. 5/2001-STAMPS/F. No. 33/77/2000-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 17 जनवरी, 2001

स्टाम्प

का.आ. 209.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, महाराष्ट्र राज्य वित्त निगम, मुम्बई को मात्र पच्चीस लाख विचित्राये हजार रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त निगम द्वारा जारी किए जाने वाले निम्न प्रकार वर्णित ऋण-पत्रों पर स्टाम्प शुल्क के कारण प्रभार्य है :—

(क) मात्र नौ करोड़ साठ लाख रुपए के समग्र मूल्य के 1 से 124 तक की विशिष्ट संख्या वाले 10.52 प्रतिशत महा.रा.वि.नि.ब्रान्ड 2010 (76 वीं श्रृंखला), ग्रीन

(ख) मात्र पच्चीस करोड़ रुपए मूल्य के 1 से 262 तक की विशिष्ट संख्या वाले 11.33 प्रतिशत ब्रान्ड 2010 (77वीं श्रृंखला)।

[सं. 6/2001-स्टाम्प/फा.सं. 33/3/2001-बि.क.]

अ.र.जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 17th January, 2001

STAMPS

S.O. 209.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Maharashtra State Financial Corporation, Mumbai to pay consolidated stamp duty of rupees twenty five lakh ninety five thousand only chargeable on account of the stamp duty on bonds described as :—

- 10.52% MSFC BONDS 2010 (76th Series) bearing distinctive numbers from 1 to 124 aggregating to rupees nine crore sixty lakh only; and
- 11.33% MSFC BONDS 2010 (77th Series) bearing distinctive numbers from 1 to 262 aggregating to rupees twenty five crore only,

to be issued by the said Corporation.

[No. 6/2001-STAMPS/F. No. 33/3/2001-ST]

R. G. CHHABRA, Under Secy.

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 3 जुलाई, 2000

(आयकर)

का.आ. 210.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "स्टेट इन्वीशेन इन फेविली प्लांटिंग, सर्विसेस प्रोजेक्ट एजेंसी, लखनऊ" को 1994-95 से 1996-97 तक के कर निर्धारण वर्षों के लिए निर्माणाधीन

शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयो-
जनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (2) कर निर्धारिणी ऊपर-उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैवर-जवाहि-रात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक भ्रणदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारो-बार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;
- (4) कर निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी निय-मित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ।

[अधिसूचना सं 11412/फा.सं. 197/35/98-आ.फ.नि. I]

समर भद्र, अवर सचिव

New Delhi, the 3rd July, 2000

(INCOME TAX)

S.O. 210.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "State Innovation in Family Planning Services Project Agency, Lucknow" for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

[Notification No. 11412/F. No. 197/35/98-ITA-1]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 3 जुलाई, 2000

(आयकर)

का.आ. 211:— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल इन्सटीट्यूट ऑफ पब्लिक फाइनेंस और पालिसी, नई दिल्ली, को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (2) कर निर्धारिणी ऊपर-उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनि-दिष्ट किसी एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैवर-जवा-हिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक भ्रण-दान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (4) कर निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी निय-मित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (5) किसी संस्थान के विषय की स्थिति में अतिरिक्त स्टाक और परिसम्पत्तियों के संबंध में संस्थान के संगम स्थापन संगम अनुच्छेद में यथा निर्धारित

कारेवाई की जाएगी और उसका कोई भी हिस्सा अंशदाता राज्य सरकार अथवा केन्द्र सरकार के पास वापिस नहीं भेजा जाएगा।

[अधिसूचना सं. 11414/फा.सं. 197/37/2000-आ.क. नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 3rd July, 2000

(INCOME TAX)

S.O. 211.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "National Institute of Public Finance and Policy, New Delhi" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary subject contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution of the Institute, the surplus and the assets will be dealt within the manner prescribed in the Articles and Memorandum of Association and no part of it will go back to the contributing State Government or Central Government.

[Notification No. 11414/F. No. 197/37/2000-ITA-I]

SAMAR BHADRA, Under Secy.

शुद्धि पत्र

नई दिल्ली, 6 जुलाई, 2000

फा.आ. 212:— अधिसूचना संख्या 11020 दिनांक 30-7-1999 में कालम 3 में प्रकाशित "31-3-2000" को "31-3-2001" पढ़ा जाए।

[अधिसूचना सं. 11428 /फा.सं. 197/53/2000-आई.टी.ए.-I]

समर भद्र, अवर सचिव

CORRIGENDUM

New Delhi, the 6th July, 2000

S.O. 212.—In the Notification No. 11020 dated 30-7-1999, date "31-3-2000" appearing in column 3 thereof, shall be read as "31-3-2001".

[Notification No. 11428/F. No. 197/53/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 6 जुलाई, 2000

(आयकर)

फा. आ. 213:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "भारत भवन ट्रस्ट, मध्य प्रदेश" को 1998-99 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिती उसही आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अमिलान हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (5) किसी ट्रस्ट के विघटन की स्थिति में अनिर्वित राशियां और परिसम्पत्तियां सगान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 11430/फा. सं. 197/57/98 आ. क. नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 6th July, 2000

(INCOME-TAX)

S.O. 213.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Bharat Bhavan Trust, Madhya Pradesh" for the purpose

of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11430/F. No. 197/57/98-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 10 जुलाई, 2000

(आयकर)

का. भा. 214.—आयकर अधिनियम, 1961, (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल एसोसिएशन फार दी ब्लाइंड, कर्नाटक ब्रांच, बंगलूर" को 1998-99 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संघयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती उपर्युक्त कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुसूचित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिसाध हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए

प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों;

- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (5) कि संघ के विघटन की स्थिति के प्रतिरक्त राशियाँ और परिसंपत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएँगी।

[अधिसूचना सं. 11436/का. सं. 197/48/2000-आयकर नि.-I]

समर भद्र, अधर सचिव

New Delhi, the 10th July, 2000

(INCOME-TAX)

S.O. 214.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "National Association for the Blind, Karnataka Branch, Bangalore" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary subject contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution of the Association, the surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11436/F. No. 197/48/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 10 जुलाई, 2000

(आयकर)

का. भा. 215.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दी जवाहर लाल नेहरू मैमोरियल फंड, नई दिल्ली" को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के

अध्यधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचना करती है, अर्थात् :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती उपर्युक्त कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वीच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाम हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (5) कि कोष के विघटन की स्थिति के अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 11437/फा. सं. 197/28/98—
आयकर नि. I]

समर भद्र, अवर सचिव

New Delhi, the 10th July, 2000

(INCOME-TAX)

S.O. 215.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Jawaharlal Nehru Memorial Fund, New Delhi" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution of the Fund, the surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11437/F. No. 197/28/98-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 17 जुलाई, 2000

(आयकर)

का. आ. 216.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि हिन्दू कृष्ट निवारण संघ, नई दिल्ली" को 1998-1999 से 2000-2001 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचना करती है, अर्थात् :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वीच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाम हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (4) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

- (v) कि संघ के विघटन की स्थिति में अनिवारित राशियाँ और परिसम्पत्तियाँ संघ के सदस्यों को वितरित अथवा भुगतान नहीं की जाएंगी किन्तु समान उद्देश्यों वाली कुछ अन्य सोसाइटी को दे दी जाएंगी।

[अधिसूचना सं. 11444/फा. सं. 197/45/98--
आयकर-नि. I]

समर भद्र, अवर सचिव

New Delhi, the 17th July, 2000

(INCOME-TAX)

S.O. 216.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "The Hind Kushi Nivaran Sangh, New Delhi" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution of the Sangh, the surplus and the assets will not be distributed or paid to the members of the Sangh, but shall be given to some other Society having similar objectives.

[Notification No. 11444/F. No. 197/45/98-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 17 जुलाई, 2000

(आयकर)

फा. सं. 217.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "इंडियन नेशनल ट्रस्ट फॉर आर्ट एंड कल्चरल हेरिटेज, नई दिल्ली" को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संवर्धन पूर्णतया तथा अनन्यतया उन उद्देश्यों

के लिए करेगा जिसके लिए इसकी स्थापना की गई है ;

- (2) कर-निर्धारिणी उपर्युक्त कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुसूचित स्वेच्छिक जंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलान्न हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों ;
- (4) कर-निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी निधमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (5) कि ट्रस्ट के विघटन की स्थिति के अनिवारित राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 11445/फा. सं. 197/54/2000--
आयकर नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 17th July, 2000

(INCOME-TAX)

S.O. 217.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Indian National Trust for Art and Culture Heritage, New Delhi" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution, the surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11445/F. No. 197/54/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 17 जुलाई, 2000

(आयकर)

का. भा. 218.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “एग्जीक्यूशन सोसायटी, हैबराबाद” को 1999-2000 से 2001-2002 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिती उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (5) कि ट्रस्ट के विघटन की स्थिति में प्रतिरक्षित राशियां और परिचरम्पतियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी

[अधिसूचना सं. 11446/फा. सं. 197/56/2000—

आई. टी. ए.-I]

समर भद्र, अवर सचिव

New Delhi, the 17th July, 2000

(INCOME-TAX)

S.O. 218.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Exhibition Society, Hyderabad” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, the surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11446/F. No. 197/56/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 17 जुलाई, 2000

(आयकर)

का. भा. 219.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “आगा खां क्लरक्स-पोर्ट प्रोग्राम (इंडिया) नई दिल्ली” को 1997-98 से 1999-2000 के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिती उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) कर निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा ;

- (3) यह अधिमूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (5) इसके विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिमूचना सं. 11447/फा.सं. 197/131/99-आई-टीए-1]

समर भद्र, अवर सचिव

New Delhi, the 17th July, 2000

(INCOME-TAX)

S.O. 219.-In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Aga Khan Rural Support Programme (India), New Delhi" for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, the surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11447/F. No. 197/131/99-ITA-1]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 19 जून, 2000

(आयकर)

का.आ. 220-आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार
257 GI/2001-2

एन.द्वारा "स्माल फार्मर्स एग्री बिजनेस कंसोर्टियम, नई दिल्ली" को 1998-99 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिमूचित करनी है, अर्थात्:—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्तया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जबर-जबाहिरात फर्निचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिमूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ को जब कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (4) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।

[अधिमूचना सं. 11404/फा.सं. 197/38/2000आयकर-नि. I]

समर भद्र, अवर सचिव

New Delhi, the 19th June, 2000

(INCOME TAX)

S.O. 220.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Small Farmers Agri-Business Consortium, New Delhi" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms

or modes specified in sub-section (5) of Section 11.

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

[Notification No. 11404/F. No. 197/38/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 19 जून, 2000

(आयकर)

का.आ. 221: आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा "हिज होलीनेस दी दलाई लामाज चेरिटेबल ट्रस्ट नई दिल्ली" को 1996-97 से 1998-99 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्ततया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जबकि जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हो;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।

[अधिसूचना सं. 11405/पा.सं. 197/118/99-आयकर.नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 19th June, 2000

(INCOME TAX)

S.O. 221.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "His Holiness The Dalai Lama's Charitable Trust, New Delhi" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

[Notification No. 11405/F. No. 197/118/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 31 जुलाई, 2000

(आयकर)

का.आ. 222:— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा "राष्ट्रीय मानवाधिकार आयोग, नई दिल्ली" को 2000-01 से 2002-2003 तक के करनिर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहने हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्ततया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों

से उसकी निधि (जैवर जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अनग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (5) कि विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 11455/फा.सं. 197/60/2000 आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 31st July, 2000

(INCOME-TAX)

S.O. 222.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The National Human Rights Commission, New Delhi" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, the surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11455/F. No. 197/60/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 14 अगस्त, 2000
(आयकर)

का.आ. 223— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "इंडियन काउंसिल फॉर रिसर्च ऑन इंटरनेशनल इकानामिक रिलेशंस, नई दिल्ली" को 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहने हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैवर, जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) कर निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अनग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (5) कि विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 11460/फा.सं. 197/68/2000—
आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 14th August, 2000

(INCOME-TAX)

S.O. 223.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Indian Council for Research on International Economic Relations, New Delhi" for the purpose of the

said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11460/F. No. 197/68/2000-ITA-1]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 31 अगस्त, 2000

(आयकर)

का.आ. 224:— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा “मोबाईल केबिनेट फार वर्किंग मदर्स चिल्ड्रन, नई दिल्ली” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यता उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती उपर-उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जोवर जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(4) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।

(5) कि विघटन की दशा में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 11471/फा.सं. 197/72/2000-आयकर-
न.-1]

समर भद्र, अवर सचिव

New Delhi, the 31st August, 2000

(INCOME-TAX)

S.O. 224.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Mobile Cribches for Working Mothers’ Children New Delhi” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the form or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11471/F. No. 197/72/2000 ITA-1]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 15 सितम्बर, 2000

(आयकर)

का.आ. 225:— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा “फोरम ऑफ फायनेंशियल राइटर्स, नई दिल्ली” को 1997-98 से 1999-2000 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए, उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए उसकी स्थापना की गई है;

(ii) कर-निर्धारिती उपर्युक्त कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंगदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रामाणिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) इसके विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पतियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 11484/फा. सं. 197/105/99-आयकर-नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 15th September, 2000

(INCOME TAX)

S.O. 225.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Forum of Financial Writers, New Delhi" for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11484/F. No. 197/105/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 26 सितम्बर, 2000

(आयकर)

का.आ. 226.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "इन्सटीट्यूट ऑफ चार्टर्ड एकाउण्टेंट्स ऑफ इंडिया, नई दिल्ली" को 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंगदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रामाणिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पतियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 11519/फा. सं. 197/78/2000-आ. क. नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 26th September, 2000

(INCOME TAX)

S.O. 226.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Institute of Chartered Accountants of India, New Delhi" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposits its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11519/F. No. 197/78/2000-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 26 सितम्बर, 2000

(आयकर)

का.आ. 227.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री रामकृष्ण आश्रम, 24 परगना, पश्चिम बंगाल" को 1998-99 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा

अनुरक्षित स्वीच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखापुस्तिकाएँ नहीं रखी जाती हों ;

- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा—

- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 11520/फा.सं./197/89/2000-मा.-
का.नि.-I]

समर भद्र, अवसर सचिव

New Delhi, the 26th September, 2000

(INCOME TAX)

S.O. 227.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Shri Ramkrishna Ashram, 24-Parganas, West Bengal" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11520/F. No. 197/89/2000-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 16 अक्टूबर, 2000

(आयकर)

का.आ. 228.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "सामाजिक अनुसंधान केन्द्र, नई दिल्ली" को 1996-97 से 1998-99 तक के कर के निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखापुस्तिकाएँ नहीं रखी जाती हों;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (5) विघटन की वशा में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 11530/फा.सं. 197/93/2000-आ.-
फ.नि. -I]

समर भद्र, अवसर सचिव

New Delhi, the 16th October, 2000

(INCOME TAX)

S.O. 228.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the

Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Centre of Social Research, New Delhi" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11530/F. No. 197/93/2000-ITA I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 16 अक्टूबर, 2000

(आयकर)

का.आ. 229.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "ग्राम्य प्रबंधन संस्थान, आनन्द, गुजरात" को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा

कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखापुस्तिकाएं नहीं रखी जाती हों;

- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (5) विघटन की दशा में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 11532/फा.सं. 197/8/2000-आ.क. क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 16th October, 2000

(INCOME TAX)

S.O. 229.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Institute of Rural Management, Anand, Gujarat" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11532/F. No. 197/8/2000-JTA II]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 16 अक्टूबर, 2000

(आयकर)

का.आ. 230.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एनद्द्वारा 'आर्य वैद्याशाला कोट्टाकल, केरल को 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अधिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की दशा में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 11533/फा. सं. 197/96/2000-आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 16th October, 2000

(INCOME TAX)

S.O. 230.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Arya Vaidya Sala, Kottakkal Kerala" for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other-wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11533/F. No. 197/96/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 7 नवम्बर, 2000

(आयकर)

का.आ. 231.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "इंलैंड वाटरवेज अथोरिटी आफ इंडिया नोएडा, (यू.पी.)" को वर्ष 1998-99 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर-जवाहिरात, फर्निचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में भ्रम से ले, पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्माथे संगठन को दे दी जाएंगी।

[अधिसूचना संख्या 11542/फा.स. 197/71/99-आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 7th November, 2000

(INCOME TAX)

assessment years 1998-1999 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11542/F. No. 197/71/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 13 नवम्बर, 2000

(आयकर)

का.आ. 232.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "सिविल सर्विसेज आफिसर्स इन्स्टीट्यूट नई दिल्ली" को वर्ष 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर-जवाहिरात, फर्निचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में भ्रम से लेखा पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

S.O. 231.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Inland Waterways Authority of India, Noida (UP)", for the purpose of the said sub-clause for the 257 GI/2001—3

- (v) विषय की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियाँ सामान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 11544/फा. सं. 197/107/2000-आ.का.नि.]]

समर भद्र, अवर सचिव

New Delhi, the 13th November, 2000

(INCOME TAX)

S.O. 232.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Civil Services Officers' Institute, New Delhi" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11544/F. No. 197/107/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 16 नवम्बर, 2000

(आयकर)

का.आ. 233.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "मैसूर रिसेटलमेंट एंड डेवलपमेंट एजेंसी बंगलूर" को वर्ष 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक

अथवा एक से अधिक ढंग अथवा तरीकों से निम्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर, अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वीच्छक अगदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विषय की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ सामान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या : 11549 फा.सं./197/44/2000-आ.का.नि.]]

समर भद्र, अवर सचिव

New Delhi, the 16th November, 2000

(INCOME TAX)

S.O. 233.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Mysore Resettlement and Development Agency, Bangalore" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11549/F. No. 197/44/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 14 दिसम्बर, 2000

(आयकर)

का.आ. 235.—आयकर अधिनियम, 1961 (1961 का 13) की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "ज्ञान प्रबोधिनी, पुणे" को 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संघनन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ ही जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में प्रलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 11573/फा.सं. 197/104/2000—आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 14th December, 2000

(INCOME TAX)

S.O. 234.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Juana Probodhini, Pune" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.)

for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee, and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11573/E. No. 197/104/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 8 जनवरी, 2001

(आयकर)

का. आ. 235.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "वैस्ट बंगाल कार्डसिल फार चाइल्ड वेलफेयर कलकत्ता" को वर्ष 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संघनन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ ही जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में प्रलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी

[अधिसूचना सं. 1/2001/फा.सं. 197/118/2000—आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 8th January, 2001

(INCOME TAX)

S.O. 235.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "West Bengal Council for Child Welfare, Calcutta" for the purpose of the said sub-clause for the assessment years 2001-2002 to 2002-2003 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No.1/2001/F. No. 197/118/2000-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 8 जनवरी, 2001

(आयकर)

नो.आ.236.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "सेंट जेवियर्स एजुकेशन ट्रस्ट, मुम्बई" को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारित उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उक्त उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारित उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जबर-जबाहिरात फर्निचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा अथवा

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ

तथा अभिलाष हो जब तक कि ऐसा कारोबार उक्त कर निर्धारित उद्देश्यों की प्राप्ति के लिए प्राप्त नही हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों;

- (iv) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी
- (vi) कि न्यास यह सुनिश्चित करेगा कि 31-3-2001 के पहले सभी निवेश आयकर अधिनियम, 1961 की धारा 11 की उपधारा 5 में विनिर्दिष्ट तरीकों के अनुसार हों।

[अधिसूचना सं. 2/2001/का.सं. 197/111/2000-आ.क.नि.1]

समर भद्र, अवर सचिव

New Delhi, the 8th January, 2001

(INCOME TAX)

S.O. 236.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "St. Xavier's Education Trust, Mumbai" for the purpose of the said sub-clause for the Assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.
- (vi) that the Trust will ensure that investments are as per the modes specified in sub-section 5 of section 11 of the Income-tax Act, 1961 before 31-3-2001.

[Notification No. 2/2001/F. No. 197/111/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 8 जनवरी, 2001

(आयकर)

का. आ. 237.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "महाराष्ट्र गांधी स्मारक निधि,

पुणे" को 1997-98 से 1999-2000 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (5) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 3/2001/फा. सं. 197/11/98—
आ. क. नि. 1]
समर भद्र, अवर सचिव

New Delhi, the 8th January, 2001
(INCOME TAX)

S.O. 237.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Maharashtra Gandhi Smarak Nidhi, Pune" for the purpose of the said sub-clause for the assessment years 1997-1998 to 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery furniture etc.)

for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 3/2001/F. No. 197/11/98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 10 जनवरी, 2001

(आयकर)

फा. आ. 238.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "पद्मश्री डा. विठ्ठलराव विखे पाटिल फाउंडेशन, ग्रहमदनगर" को वर्ष 1998-99 से 2000-2001 तक कर निर्धारण वर्षों के लिए निम्न-लिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

- (5) विषय की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 4/2001/फा. सं. 197/121/2000-

आ. का. नि. 1]

समर भद्र, प्रवर सचिव

New Delhi, the 10th January, 2001

(INCOME TAX)

S.O. 238.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Padmashri Dr. Vithalrao Vikhe Patil Foundation, Ahmednagar" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 4/2001/F. No. 197/121/2000-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 15 जनवरी, 2001

(आयकर)

का. आ. 239.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल इन्स्टीट्यूट ऑफ मैनेजमेंट, मुम्बई" को 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

- (2) कर निर्धारिणी उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक हंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उन उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;

- (4) कर निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (5) विषय की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 10/2001/फा. सं. 197/7/2000-

आ. का. नि. 1]

समर भद्र, प्रवर सचिव

New Delhi, the 15th January, 2001

(INCOME TAX)

S.O. 239.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "National Institute of Bank Management, Mumbai" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 10/2001/F. No. 197/7/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 16 जनवरी, 2001

(आयकर)

का. आ. 240.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "कोनेरु लक्ष्मैया एजुकेशन फाउण्डेशन, म्यूजियम रोड, विजयवाड़ा" को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (5) फाउण्डेशन के विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 13/2001/फा. सं. 197/128/
2000—आ. क. नि. 1]
समर भद्र, अवर सचिव

New Delhi, the 16th January, 2001

(INCOME TAX)

S.O. 240.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of section 10 of the

Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Koneru Lakshmal Education Foundation, Museum Road, Vijawada" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of Foundation, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 13/2001/F. No. 197/128/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 16 जनवरी, 2001

का. आ. 241.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 28 के साथ पठित आयकर अधिनियम, 1961 की धारा 10 (23-छ) के प्रयोजनार्थ कर-निर्धारण वर्ष 2001-2002, 2002-2003 और 2003-2004 के लिए नीचे पैरा 3 में उल्लिखित उद्यमों/प्रौद्योगिक उपक्रमों को अनुमोदित करती है ।

2. यह अनुमोदन इस शर्त के अधीन है कि :

- (1) उद्यम/प्रौद्योगिक उपक्रम नियमावली, 1962 के नियम 28 के साथ पठित आयकर अधिनियम, 1961 की धारा 10 (23-छ) के उपबन्धों के अनुरूप होगा और उनका अनुपालन करेगा ;
- (2) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/प्रौद्योगिक उपक्रम :—
 - (क) अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है; और
 - (ख) खाताबहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 28 के उप नियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है, अथवा
 - (ग) आयकर नियमावली, 1962 के नियम 28 के उपनियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है ।

3. अनुमोदित उद्यम/औद्योगिक उपक्रम है :—

- (1) मैसर्स निप्पोन पावर लि., 10क जैक्सन लेन कलकत्ता-700001 द्वारा पश्चिम बंगाल के दार्जिलिंग जिले में 3 मेगा वाट लोधाना हाइड्रो इलेक्ट्रिक परियोजना।

[फा. सं. 205/60/2000-आयकर नि. II]

- (2) निवेशक (टी एम-1) दूर संचार विभाग के माध्यम से कार्यरत भारत के राष्ट्रपति और मैसर्स मोबाइल टेलीकॉम सर्विसेज लि. के बीच दिनांक 30-11-94 के लाइसेंस करार सं. 842-21/93-टी एम के अन्तर्गत मैसर्स आर पी जी सेलुलर सर्विसेज लि. 5वां तल, स्पेंसर प्लाजा, 769, अन्ना सालै, चैन्नई की चैन्नई में सेलुलर मोबाइल टेलिफोन सेवा।

[फा. सं. 205/56/2000 आयकर नि. II]

- (3) मैसर्स हिमाचल प्रदेश राज्य विद्युत बोर्ड, विद्युत भवन, शिमला-4 की हिमाचल प्रदेश में 22.5 मेगा वाट धानवी हाइड्रो विद्युत परियोजना और 126 मेगा वाट लारजी हाइड्रो इलेक्ट्रिक परियोजना।

[फा. सं. 205/137/99-आयकर नि. II]

[अधिसूचना सं. 11/2001/फा. सं. 205/60/2000-आयकर नि. II और अन्य]

कमलेश सी. बाण्येय, अवर सचिव

New Delhi, the 16th January, 2001

S.O. 241.—It is notified for general information that enterprises/industrial undertakings, listed at para (3) below have been approved by the Central Government for the purpose of Section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2001-2002, 2002-2003 and 2003-2004.

2. The approval is subject to the condition that—

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of Section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—
 - (a) ceases to carry on infrastructure facility; or
 - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
 - (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprises/industrial undertakings approved are—

- (i) 3 MW Lodhana Hydro Electric Project in the district of Darjeeling, West Bengal by M/s. Nippon Power Ltd., 10A, Jackson Lane, Calcutta-700001 (F. No. 205/60/2000-ITA-II).
- (ii) Cellular Mobile Telephone Service in Chennai of M/s. RPG Cellular Services Limited, 5th Floor, Sponsor Plaza, 769, Anna Salai, Chennai, under the

licence agreement No. 842-21/93-TM dated 30-11-94 between President of India, acting through Director (TM-I), Department of Telecommunication and M/s. Mobile Telecom Services Limited (F. No. 205/56/2000-ITA-II).

- (iii) 126 MW Larji Hydro Electric Project and 22.5 MW Ghanvi Hydro Electric Project at Himachal Pradesh of M/s. Himachal Pradesh State Electricity Board, Vidut Bhawan, Shimla-4 (F. No. 205/137/99-ITA-II).

[Notification No. 11/2001/205/60/2000-ITA-II and others]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 16 जनवरी, 2001

का. आ. 242.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा नीचे पैरा (3) में उल्लिखित उद्यम/औद्योगिक उपक्रम को आयकर नियमावली, 1962 के नियम 2(ड) के साथ पठित आयकर अधिनियम, 1961 की धारा 10 (23छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2001-2002, 2002-2003 और 2003-2004 के लिए अनुमोदित किया गया है।

1. उक्त अनुमोदन इस शर्त पर दिया गया है कि :—

- (1) उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा ;

- (2) केन्द्र सरकार इस अनुमोदन को वापस ले लेगी यदि उद्यम/औद्योगिक उपक्रम :—

- (क) मूलभूत सुविधा को जारी रखना बंद कर देता है, अथवा

- (ख) खाता बहियों का रख-रखाव करने में और आयकर नियमावली, 1962 के नियम 2ड के उपनियम (7) द्वारा यथापेक्षित किसी लेखाकार द्वारा ऐसी बहियों की लेखा परीक्षा कराने में असफल हो जाता है; अथवा

- (ग) आयकर नियमावली, 1962 के नियम 2ड के उपनियम (7) द्वारा यथा अपेक्षित लेखा-परीक्षा रिपोर्टों को प्रस्तुत करने में असफल हो जाता है।

3. अनुमोदन प्राप्त उद्यम/औद्योगिक उपक्रम मैसर्स बी एस ई एस केरल पावर लि., नगीन मडल (छठा तल), 82 वीर नरीमन रोड, मुम्बई-400020 द्वारा इन्किलम केरल स्थित 165 मेगावाट पावर परियोजना।

[फा. सं. 205/45/2000-आ. क. नि.-11]

[अधिसूचना सं. 12/2001/फा. सं. 205/45/2000-आयकर नि.-II]

कमलेश सी. बाण्येय, अवर सचिव

New Delhi, the 16th January, 2001

S.O. 242.—It is notified for general information that enterprise/industrial undertaking, listed at para (3) below has been approved by the Central Government for the purpose of Section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2001-2002, 2002-2003 and 2003-2004.

2. The approval is subject to the condition that—

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of Section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—
 - (a) cases to carry on infrastructure facility; or
 - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
 - (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise/industrial undertaking approved is—165 MW power project at Ernapulam, Kerala by M/s. BSES Kerala Power Ltd., Nagin Mahal (6th Floor), 82 Veer Nariman Road, Mumbai-400020 (F. No. 205/45/2000-ITA-II).

[Notification No. 12/2001/F. No. 205/45/2000-ITA-II]
KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 17 जनवरी, 2001

(आयकर)

का. आ. 243.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (VI) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा “साऊथ प्वाइंट स्कूल, 16, मण्डाविले गार्डन, कलकत्ता” को 1999-2000 से 2001-2002 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए, उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर जवाहगत, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त

कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;

- (4) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (5) विघटन की दशा में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ;
- (6) उनके 20-1-2001 की वचनबद्धता के अनुसार आयकर अधिनियम, 1961 की धारा 11 (5) में यथा उल्लिखित विनिर्दिष्ट पद्धतियों में से 31-3-2001 तक निवेशों की परिवर्तित करने की शर्त के साथ ।

[अधिसूचना सं. 14/2001/फा. सं. 197/31/2000-आयकर नि.-I]

समर भद्र, प्रवर सचिव

New Delhi, the 17th January, 2001

(INCOME-TAX)

S.O. 243.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “South Point School, 16, Mandeville Gardens, Calcutta” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.
- (vi) with condition to convert the investments in specified mode as laid down in Section 11(5) of the Income-tax Act, 1961 by 31-3-2001 as per their undertaking dated 20-1-2001.

[Notification No. 14/2001/F. No. 197/31/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 17 जनवरी, 2001

New Delhi, the 17th January, 2001

(आयकर)

(INCOME-TAX)

का. आ. 244.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (VI) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "मदर इंडिया एजुकेशनल सोसायटी, मुम्बई" को 1999-2000 से 2001-2002 के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

S.O. 244.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Mother India Educational Society, Mumbai" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा तरीकों, से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात फर्निचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-गुस्तिकाएँ नहीं रखी जाती हों ;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (5) विघटन की स्थिति में अनिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ;
- (6) कि वे सभी जमा और निवेश जो आयकर अधिनियम, 1961 की धारा 11 (5) के प्रावधानों के अनुसार नहीं हैं, उन्हें 31-3-2001 के बाद जमा या निवेश करना जारी नहीं रखा जाएगा ।

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business ;
- (iv) the assessee will regularly file its return of income before the Income-tax authority, in accordance with the provisions of the Income-tax Act, 1961 ;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objective ;
- (vi) That all deposits and investments which are not in accordance with the provisions of Section 11(5) of the Income-tax Act, 1961 will not be continued to be so deposited or invested after 31-3-2001.

[Notification No. 15/2001/F. No. 197/112/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 17 जनवरी, 2001

(आयकर)

का.आ. 245.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (VI) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "सेंट लावरेन्स एजुकेशन सोसायटी मुम्बई" को 1999-2000 से 2001-2002 के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका

[अधिसूचना सं. 15/2001/फा. सं. 197/112/2000-आयकर नि.-I]

समर भद्र, अधर सचिव

संचयन पूर्णतया तथा अनन्तया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिती उपयुक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) कर निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विवटन की स्थिति में अतिरिक्त राशिवा और परिसम्पत्तियां समान उद्देश्यों वाले वर्गीकृत संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 16/2001/फा. सं. 197/123/2000-आई टी ए-1]

समर भद्र, अवर सचिव

New Delhi, the 17th January, 2001

(INCOME TAX)

S.O. 245.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Saint Lawrence Education Society, Mumbai" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business ;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961 ;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objective.

[Notification No. 16/2001/F. No. 197/123/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 18 जनवरी, 2001

(आयकर)

का. आ. 246.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप-खंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा "निबर्टी एजुकेशनल सोसायटी, मुम्बई" को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्ततया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात फर्नीचर अथवा, किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ को दे दी जाएंगी।

[अधिसूचना सं. 17/2001/फा.सं. 197/4/2001-आ.क.नि.-1]

समर भद्र, अव्वर सचिव

New Delhi, the 18th January, 2001

(INCOME TAX)

S.O. 246.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Liberty Educational Society, Mumbai" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 17/2001/F. No. 197/4/2001-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 24 जनवरी, 2001

(आयकर)

का.आ. 247.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "के.डी. मालविय नेशनल आयल म्यूजियम, नई दिल्ली" को 2000-2001 से 2001-2002 तक के कर निर्धारण

वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अत्यन्ततया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपयुक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेलर-जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 21/200/1फा.सं. 197/42/2000 आयकर नि.-1]

समर भद्र, अव्वर सचिव

New Delhi, the 24th January, 2001

(INCOME TAX)

S.O. 247.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "K. D. Malaviy National Oil Museum, New Delhi" for the purpose of the said sub-clause for the assessment years 2000 to 2001-2002 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment year

mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 21/2001/F. No. 197/42/2000-ITA-I]

SAMAR BHADRA, Under Secy,

नई दिल्ली, 30 जनवरी, 2001

(आयकर)

का.आ. 248.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री रामकृष्ण सत्यानंद आश्रम, जिला 24 पार्गना (नार्थ) वस्तु बंगाल" को 1998-99 से 2000-2001 तक के कर निर्धारण के लिए निम्नलिखित शर्तों के अधिन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों से उसकी निधि (जवर-जवाहिरात, फर्नीचर अथवा, किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाष ही जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय निवर्तनी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (v) विषय की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 23/2001/का.सं. 197/99/2000-आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 30th January, 2001

(INCOME TAX)

S.O. 248.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Sree Ramkrishna Saytananda Ashram, Distt, 24 Parganas (North), West Bengal" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11.
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, is surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 23/2001/F. No. 197/99/2000-ITA-I]

SAMAR BHADRA, Under Secy.

केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क आयुक्त का कार्यालय

अधिसूचना 1/2001

नागपुर, 29 जनवरी, 2001

का. आ. 249.—श्री एम. आर. चांदेकर, अधीक्षक समूह 'ख' केन्द्रीय उत्पाद एवं सीमा शुल्क आयुक्तालय नागपुर निवर्तन की आयु प्राप्त करने पर दिनांक 31-10-2000 को अपराह्न में शासकीय सेवा से निवृत्त हुये।

[फा. सं. II(7)4/97/स्वा. I/2012]

अरुण टंडन, अवर आयुक्त (कार्मिक एवं सतर्कता)

OFFICE OF THE COMMISSIONER OF
CENTRAL EXCISE AND CUSTOMS

NOTIFICATION NO. 1/2001

Nagpur, the 29th January, 2001

S.O. 249.—Shri M. R. Chandekar, Superintendent, Group 'B' Central Excise and Customs Nagpur Commissionerate having attained the age of superannuation, retired from Government Service in the afternoon of 31st October, 2000.

[F. No. II(7)4/97.Et. I/2012]

ARUN TANDON, Addl. Commissioner (P & V)

वित्त मंत्रालय

आर्थिक कार्य विभाग

(वैकिंग प्रभाग)

नई दिल्ली, 1 फरवरी, 2001

का. आ. 250.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक (संशोधन) अधिनियम, 2000 (2000 का 55) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा 01 फरवरी, 2001 को ऐसी तारीख के रूप में नियत करती है, जिस तारीख से उक्त अधिनियम के उपबंध प्रभावी होंगे।

[फा. सं. 7(42)/2000-ए.सी.]

गोखर अग्रवाल, संयुक्त सचिव

MINISTRY OF FINANCE

DEPARTMENT OF ECONOMIC AFFAIRS

(Banking Division)

New Delhi, the 1st February, 2001

S.O. 250.—In exercise of the powers conferred by sub-Section (2) of Section 1 of the National Bank for Agriculture and Rural Development (Amendment) Act 2000 (55 of 2000) the Central Government hereby appoints the 1st day of February, 2001, as the date on which the provisions of the said Act come into force.

[F. No. 7(42)/2000-AC]

SHEKHAR AGARWAL, Jt. Secy.

कोयला मंत्रालय

आदेश

नई दिल्ली, 29 जनवरी, 2001

का. आ. 251.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन जारी की गई भारत सरकार के तत्कालीन कोयला मंत्रालय की अधिसूचना संख्यांक का. आ. 2946, तारीख 23 मिनम्बर, 1999 के, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 16 अक्टूबर, 1999 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) में या उस पर के अधिकार उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी जिल्लेगमों से मुक्त

होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे ;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि व्स्टर्न कोलफील्ड्स लि. नागपुर, (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए राजांसद है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर के अधिकार तारीख 16 अक्टूबर 1999 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहने हुए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :—

(1) सरकारी कंपनी, उक्त अधिनियम के उपबंध के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानी और वैसे ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;

(2) सरकारी कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संवेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त कंपनी वहन करेगी और इसी प्रकार इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की बाबत उपगत सभी व्यय भी, सरकारी कंपनी वहन करेगी ;

(3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी,

(4) सरकारी कंपनी को केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, भूमि और उक्त भूमि में या उस पर के अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और

(5) सरकारी कंपनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी।

[फा. सं. 43015/2/97-एल. एस. डब्ल्यू/
पी आर आई डब्ल्यू]

संगम बहादुर, उप सचिव

MINISTRY OF COAL

ORDER

New Delhi, the 29th January, 2001

S.O. 251.—Whereas on the publication of the notification of the Government of India in the then Ministry of Coal Number S.O. 2946 dated the 23rd September, 1999, published in the Gazette of India, Part-II, Section-3, Sub-Section (ii), dated the 16th October, 1999, issued under Sub-Section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and rights, in or over the lands, as described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under Sub-Section (1) of Section 10 of the said Act;

And whereas the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of Section 11 of the said Act, the Central Government hereby directs that the said lands and rights in or over the said lands, so vested shall, with effect from the 16th October, 1999 instead of continuing to so vest in the Central Government, vest in the Government Company, subject to the following terms and conditions, namely :—

1. the Government Company shall reimburse the Central Government all payment made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
2. a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said land, so vesting shall also be borne by the Government Company;
3. the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting;
4. the Government Company shall have no power to transfer the lands and rights in or over the said lands so vested to any other person without the previous approval of the Central Government; and

5. the Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[No. 43015/2/97-LW/PRIW]

SANJAY BAHADUR, Dy. Secy.

शुद्धि-पत्र

नई दिल्ली, 31 जनवरी, 2001

का. आ. 252.—भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का. आ. 1704 तारीख 13 जुलाई, 2000 जो भारत का राजपत्र भाग II, खंड 3, उप-खंड (ii), तारीख 29 जुलाई, 2000 के पृष्ठ 5228 से 5243 पर प्रकाशित हुई थी, में —

1. पृष्ठ सं. 5233 पर, मौजा सिल्लिंग से संबंधित अनुसूची में "बारबाटा" के स्थान पर "बारबता" पढ़ें।

2. पृष्ठ सं. 5235 पर, सीमा वर्णन के अधीन "क—क" के स्थान पर "म—क" पढ़ें।

(ii) उक्त पृष्ठ की ग्यारहवीं पंक्ति में "फ" से के स्थान पर "म" से पढ़ें।

[फा. सं. 43015/6/99-वी आर आई डब्ल्यू]

संजय बहादुर, उप-सचिव

CORRIGENDA

New Delhi, the 31st January, 2001

S.O. 252.—In the notification of the Government of India in the Ministry of Coal number S. O. 1704, dated the 13th July, 2000 published at pages 5228 to 5243 of the Gazette of India, Part-II, Section-3, Sub-Section (ii), dated the 29th July, 2000,—

(1) at page 5236, in line 7, for "pakur (part-I), read "pakur (part-A)";

(2) at page 5240 in the Schedule relating to Mauja Sillingli, against serial number 1, in column 2, for "Barbta" read "Barabta".

(3) at page 5241,—

(i) in part-A, for the heading "North of River Bansol", read "North of River Bansloi";

(ii) in the Boundary Description,—

(a) in the column relating to points, for letters "D-Y", read "D-E";

(b) against point E-F, in lines 1-2, for "Gorpara (22) Bara Basco (23), read "Gorpara (22) + Bara Basco (23);

(4) at page 5242,—

(i) in the Boundary Description, in the column relating to points,—for "V-A", read "Y-A";

- (ii) against the points "Y-A" as so amended,—
 (a) for "From V", read "from Y";
 (b) in line 2, for the words "river Basdoi", read "river Bansloi";
- (iii) in Part B. in Boundary Description, against points A-B, in line 2, for the words "Mauja barhania (8)", read "Majua Barhania (1);
- (5) at page 5243, in the column relating to points, for letters "R S T W V W", read "R S T U V W".

[No. 43015/6/99-PRIW]

SANJAY BAHADUR, Dy. Secy.

नागर विमानन मंत्रालय

नई दिल्ली, 30 जनवरी, 2001

का.आ.253.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, नागर विमानन मंत्रालय के सम्बद्ध नागर विमानन महानिदेशालय के अधीनस्थ निम्नलिखित चार कार्यालयों को, जिनके 80% से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. निदेशक, उड्डयन योग्यता का कार्यालय, सफदरजंग हवाई अड्डा, नई दिल्ली।
2. नियंत्रक, उड्डयन योग्यता का कार्यालय, वीएचईएल, हरिद्वार।

3. वरिष्ठ उड्डयन योग्यता अधिकारी का कार्यालय, पटियाला हवाई अड्डा, पटियाला।
4. नियंत्रक, उड्डयन योग्यता का कार्यालय, बंगलौर हवाई अड्डा, बंगलौर।

[संख्या ई-11011/01/2000-हिन्दी]

चन्द्रभान नारनौली, निदेशक
(राजभाषा)

MINISTRY OF CIVIL AVIATION

New Delhi, the 30th January, 2001

S.O. 253.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for the Official Purposes of the Union) Rule, 1976 the Central Government, hereby, notifies the following four subordinate offices of the Directorate General of Civil Aviation, an Attached Office of Ministry of Civil Aviation, where of, more than 80% staff have acquired the working knowledge of Hindi :—

1. Office of the Director of Airworthiness, Safadarjung Airport, New Delhi.
2. Office of the Controller of Airworthiness, BHEL, Haridwar.
3. Office of the Sr. Officer of Airworthiness, Patiala Airport, Patiala.
4. Office of the controller of Airworthiness, Bangalore Airport, Bangalore.

[No. E-11011/01/2000-Hindi]

C. B. NARNAULI, Director (OL)

अन्तरिक्ष विभाग

बंगलूर, 24 जनवरी, 2001

का.आ.254.—अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण नियंत्रण तथा अपील) नियम, 1976 के नियम 4 के साथ पठित अनुच्छेद 309 द्वारा प्रबल शक्तियों का प्रयोग करते हुए राष्ट्रपति, अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण नियंत्रण तथा अपील) नियम, 1976 के निम्नलिखित नियमों में संशोधन करते हैं, अर्थात् :—

1. (1) इन नियमों को अंतरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण तथा अपील) संशोधित नियम, 2001 कहा जाएगा।
 (2) ये नियम राजपत्र में प्रकाशित होने की तारीख से प्रभावी होंगे।
2. अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण तथा अपील) नियम, 1976 में, नियम 8 के अन्तर्गत पहले प्रावधान में "स्वीकृति का आरोप" शब्दों के बदले "ज्ञान प्राप्ति का वेबेल परिसंस्थितियों के कब्जे का आरोप या स्वीकृति का आरोप" शब्द रखा जाएगा।

[सं. 2/5/(1)/98-V]

वाणी रामचन्द्र, अव्वर सचिव

फुटनोट : प्रमुख नियमों को दिनांक 1-4-1976 के का.आ.सं. 270 (ई) द्वारा भारत के राजपत्र (असाधारण) भाग-II, खंड-3, उप-खंड (ii) में दिनांक 1-4-1976 को प्रकाशित किया गया और तदनंतर निम्नानुसार संशोधित किया गया :—

क्रम सं. अधिसूचना सं.	दिनांक	का.आ. सं.	दिनांक
1. 2/10(32)/76-I	10-02-1977	780	12-03-1977
2. 2/10(32)/76-I	16-05-1977	2127	25-06-1977
3. 2/10(27)/76-I	01-08-1977	2709	27-08-1977

क्रम. सं. अधिसूचना संख्या	दिनांक	का.अ.सं.	दिनांक
4. 2/7(5)/77-I	15-02-1978	585	25-02-1978
5. 2/7(5)/77-I	27-05-1978	1780	17-06-1978
6. 2/9(12)/74-III	16-03-1979	1178	07-04-1979
7. 9/4(1)/80-III	26-05-1980	1684	21-06-1980
8. 9/4(1)/80-III	05-09-1980	2586	27-09-1980
9. 9/4(1)/80-III	13-10-1980	3299	29-11-1980
10. 9/4(1)/80-III	13-10-1980	3300	29-11-1980
11. 9/4(1)/80-III	20-12-1980	215	17-01-1981
12. 2/8(1)/81-I	28-08-1981	2592	03-10-1981
13. 2/8(1)/81-I	16-07-1982	3113	04-09-1982
14. 2/9(1)/83-I(V)	29-07-1985	4280	14-09-1985
15. 2/5(1)/85-V	02-01-1986	510	08-02-1986
16. 2/9(1)/83-I(V)	02-01-1986	511	08-02-1986
17. 2/5(1)/86-V	17-03-1986	1309	29-03-1986
18. 2/5(2)/86-V	20-10-1986	3874	15-11-1986
19. 2/5(1)/90-VI	01-01-1991	99	09-02-1991
20. 2/5(2)/86-V (VI)(बाल्य-III)	15-11-1991	334	01-02-1992
21. 2/5(1)/91-VI	23-10-1992	2891	21-11-1992
22. 2/5(1)/95-V	24-03-1995	1029	15-04-1995
23. 2/5(1)/91-V	12-10-1995	2856	28-10-1995
24. 2/5(1)/91-V	27-03-1996	1241	20-04-1996
25. 2/5(1)/95-V	23-12-1997	83	10-01-1998
26. 2/5(1)/98-V	30-6-2000	1763	05-08-2000
27. 2/5(1)/98-V	27-12-2000	34	13-01-2001

DEPARTMENT OF SPACE

Bangalore, the 24th January, 2001

S.O. 254.—In exercise of the powers conferred by the proviso to Article 309 read with Rule 4 of Department of Space Employees, (Classification, Control and Appeal) Rules, 1976, the President hereby makes the following rules further to amend the Department of Space Employees, (Classification, Control and Appeal) Rules, 1976, namely:—

1. (1) These Rules may be called the Department of Space Employees, (Classification, Control and Appeal) 1st Amendment Rules, 2001.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Department of Space Employees' (Classification Control and Appeal) Rules, 1976, under Rule 8 in the First Proviso for the words "the charge of acceptance", the words "the charge of possession of assets disproportionate to known sources of income or the charge of acceptance" shall be substituted.

[No. 2/5(1)/98-V]

VANI RAMACHANDRA, Under Secy.

Foot Note : Principle Rules were published vide S.O. No. 270 (E) dated 1-4-1976 in the Gazette of India (Extra-ordinary) Part-II, Section 3 Sub-section (ii) dated 1-4-1976 and have been subsequently amended by :—

Sl. No.	Notification No.	Date	S.O.No.	Date
1.	2/10(32)/76-I	10-02-1977	2780	12-03-1977
2.	2/10(32)/76-I	6-05-1977	2127	25-06-1977

S. No.	Notification No.	Date	S.O. No.	Date
3.	2/10(27)/76-I	01-08-1977	2709	27-08-1977
4.	2/7(5)/77-I	15-02-1978	585	25-02-1978
5.	2/7(5)/77-I	27-05-1978	1780	17-06-1978
6.	2/9(12)/74-III	16-03-1979	1178	07-04-1979
7.	9/4(1)/80-III	26-05-1980	1684	21-06-1980
8.	9/4(1)/80-III	05-09-1980	2586	27-09-1980
9.	9/4(1)/80-III	13-10-1980	3299	29-11-1980
10.	9/4(1)/80-III	13-10-1980	3300	29-11-1980
11.	9/(1)/80-III	20-12-1980	215	17-01-1981
12.	2/8(1)/81-I	28-08-1981	2592	03-10-1981
13.	2/8(1)/81-I	16-07-1982	3113	04-09-1982
14.	2/9(1)/83-I(V)	29-07-1985	4280	14-09-1985
15.	2/5(1)/85-V	02-01-1986	510	08-02-1986
16.	2/9(1)/83-(IV)	02-01-1986	511	08-02-1986
17.	2/5(1)/86-V	17-03-1986	1309	29-03-1986
18.	2/5(2)/86-V	20-10-1986	3874	15-11-1986
19.	2/5(1)/90-VI	01-01-1991	99	09-02-1991
20.	2/5(2)86-V(VI)(Vol III)	15-11-1991	334	01-02-1992
21.	2/5(1)/91-VI	23-10-1992	2891	21-11-1992
22.	2/5(1)/95-V	24-03-1995	1029	15-04-1995
23.	2/5(1)/91-V	12-10-1995	2856	28-10-1995
24.	2/5(1)/91-V	27-03-1996	1241	20-04-1996
25.	2/5(1)/95-V	23-12-1997	83	10-01-1998
26.	2/5(1)/98-V	30-06-2000	1763	05-08-2000
27.	2/5(1)/98-V	27-12-2000	34	13-1-2001

पर्यावरण एवं वन मंत्रालय

नई दिल्ली, 23 जनवरी, 2001

का. आ. 255.— वन्यजीव (सुरक्षा) अधिनियम, 1972 (1972 का 53) की धारा 50 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेशक, वन्यजीव परिरक्षण, एतद्वारा उक्त अधिनियम की धारा 50 के अंतर्गत शक्तियों का प्रयोग करने के लिए दिल्ली स्पेशल पुलिस इस्टेब्लिशमेंट के अधिकारियों, जिनका रैंक पुलिस उप-निरीक्षक से नीचे का न हो, को प्राधिकृत करते हैं।

[फा.सं. 2-16/91 डब्ल्यू.एल.-1]

एस.सी. शर्मा, निदेशक, वन्यजीव परिरक्षण एवं
अपर महानिदेशक

MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi, the 23rd January, 2001

S.O. 255.—In exercise of the powers conferred by Sub-section (1) of section 50 of the Wildlife (Protection) Act, 1972 (53 of 1972), the Director Wildlife Preservation hereby authorises the officers of the Delhi Special Police Establishment not below the rank of Sub-Inspector of Police to exercise the powers under section 50 of the said Act.

[F. No. 2-16/91 WL-I]

S. C. SHARMA, Director, Wildlife Preservation &
Addl. Director General

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 9 जनवरी, 2001

का. आ. 256.—केन्द्र सरकार, चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित

चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस मंत्रालय के दिनांक 25 अक्टूबर, 2000 के मसतख्यक आदेश के अनुक्रम में केन्द्रीय फिल्म प्रमाणन बोर्ड मुम्बई, चैन्ने, बंगलौर, तिरुवनन्तपुरम, कलकत्ता, कटक और गुवाहाटी के सलाहकार पैनल जिनका गठन इस मंत्रालय के दिनांक 9 अक्टूबर, 1998 को किया गया था, के सदस्यों का कार्यकाल 31 मार्च, 2001 तक या अगले आदेशों तक जो भी पहले हो, नियुक्त करती है।

[फा.सं. 809/7/2000-एफ (सी)]

राजेश शर्मा, डेस्क अधिकारी

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 9th January, 2001

S.O. 256.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, and in continuation of this Ministry's Orders of even number dated the 25th October, 2000, the Central Government is pleased to extend the tenure of the members of the Advisory panels of the Central Board of Film Certification at Mumbai, Chennai, Bangalore, Thiruvananthapuram, Calcutta, Cuttack and Guwahati, which were constituted vide this Ministry's orders dated the 9th October, 1998, upto 31st March, 2001 or until further orders, whichever is earlier.

[F. No. 809/7/2000-F(C)]

RAJESH SHARMA, Desk Officer

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 6 फरवरी, 2001

का. आ. 257.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि तमिलनाडु राज्य में चेन्नई से मदुरै तक पेट्रोलियम उत्पादों के परिवहन के लिए, इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा चेन्नई-तिरुच्चि-मदुरई पाइपलाइन परियोजना के क्रियान्वयन के लिए, पेट्रोनेट सी टी एम लिमिटेड की ओर से पाइपलाइन बिछाई जाए ;

और केन्द्रीय सरकार को ऐसा प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के जिसमें उक्त पाइपलाइन बिछाने का प्रस्ताव दिया गया है, उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि में उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के प्रति लिखित रूप में आक्षेप श्री आर. वज्रवेलू, सक्षम प्राधिकारी, पेट्रोनेट सी टी एम लिमिटेड, चेन्नई -तिरुच्चि-मदुरै उत्पाद पाइपलाइन परियोजना, 4/2 काफोर्ड कॉलोनी, तिरुचिरापल्ली 620 012 को कर सकेगा ।

अनुसूची

तालुका : विरुद्धाच्चलम्		जिला : कडलूर		राज्य : तमिलनाडु		
गाँव का नाम	सर्वे सं	उप-खंड सं	क्षेत्रफल			
			हेक्टर	एयर	वर्ग मीटर	
1	2	3	4	5	6	
सं.22 ऐवाडुगुडी	99	11	0	02	44	
	99	10	0	05	78	

[सं. आर.-25011/1/2001-ओ आर-1]

एम. चन्द्रशेखर, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 6th February, 2001

S. O. 257.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Chennai to Madurai in the State of Tamil Nadu, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Chennai – Trichy – Madurai pipeline project on behalf of Petronet CTM Limited;

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land, described in the said Schedule, may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri. R. Vajravelu, Competent Authority, Petronet CTM Limited, Chennai-Trichy-Madurai Product Pipeline Project, 4/2, Crawford Colony, Tiruchirapalli – 620 012.

SCHEDULE

Taluk : Virudhachalam		District : Cuddalore		State : Tamil Nadu	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr
1	2	3	4	5	6
No.22 AIVADUGUDI	99	11	0	02	44
	99	10	0	05	78

[No.-25011/1/2001 OR I]
S. CHANDRASEKHAR, Under Secy.

नई दिल्ली, 9 फरवरी, 2001

का. आ. 258.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 2085, तारीख 20 सितम्बर, 2000 द्वारा, तमिलनाडु राज्य में चेन्नई से तिरुच्चिरापल्ली होकर मदुराई तक पेट्रोलियम उत्पादों के परिवहन के लिए पेट्रोनेट सी टी एम लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 1 अक्टूबर, 2000 को उपलब्ध करा दी गई थीं ।

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के लिए उक्त भूमि अपेक्षित है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त पेट्रोनेट सी टी एम लिमिटेड में निहित होगा।

अनुसूची

तालूका : पोन्नेरी	जिला : तिरुवल्लूर		राज्य : तमिलनाडु		
गाँव का नाम	सर्वे सं	उप-खंड सं	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
सं.144 वल्लूर	1457		0	29	88
	1460	1	0	08	91
	1460	2	0	05	16
	1175	1क	0	18	94
	1175	2	0	00	52
	1175	3	0	01	36
	1175	1ख	0	01	30
	1175	1ग	0	01	20
	1175	1घ	0	00	94
	1175	1ङ	0	00	83
	1175	8	0	00	40
	1175	17	0	01	33
	1175	18	0	02	79
	1175	19	0	01	08
	1087	-	0	02	70
	1088	-	0	09	37
	1089	2	0	19	08
	1095	2क1	0	06	52
	1095	3	0	02	22
	1095	4	0	00	40
	1095	6	0	00	82
	1096	-	0	18	45
	1118	1	0	09	54
	1118	2	0	15	03
	1119	-	0	30	78
	1120	1	0	05	64
	1120	2	0	04	29
	1138	-	0	08	46
	1132	2	0	15	84
	1131	-	0	14	40
सं.124 बूटूर	70	3	0	17	28
	70	2क4	0	16	09

1	2	3	4	5	6
	82	-	0	02	16
	81	10	0	00	80
	81	11	0	01	27
	81	12	0	00	73
	78	48	0	00	40
	78	47	0	00	70
	78	46	0	00	65
	78	45	0	00	40
	78	1	0	02	70
	78	43	0	00	80
	78	44	0	01	70
	78	36	0	00	40
	78	35	0	01	20
	78	34	0	01	50
	78	33	0	01	55
	78	26	0	00	56
	83	1	0	05	40
	83	3	0	00	40
	87	8 अ	0	01	50
	87	8 अ	0	02	10
	87	8 अ	0	04	50
	86	2	0	12	60
	86	1	0	04	80
सं.116 शोलवरम्	515 अ	1 अ	0	06	12
	515 अ	1 अ	0	01	60
	523	1 अ	0	00	40
	512	13 अ	0	05	04
	512	13 अ	0	16	33
	512	11	0	03	16
सं.109 एरुमैवेदिट्टप्पालायम्(नया)	96	1 अ	0	00	57
	160	-	0	18	72
	166	1	0	06	70
	190	1	0	09	90
	190	2	0	08	19
	193	-	0	09	62
	154	-	0	30	75
सं.108 आत्तूर	90	3 अ	0	01	34
	90	4	0	03	06

तालूका : अम्बलूर		जिला : तिरुवल्लूर		राज्य : तमिलनाडु	
गाँव का नाम	सर्वे सं	उप-खंड सं	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
सं. 3 पाण्डेश्वरम्	72	3	0	01	78
	72	2	0	00	40
	73	5	0	00	85
	73	4	0	02	90
	73	3	0	03	63
	73	2	0	00	99
	73	1	0	00	40
	71	4	0	00	80
	79	1	0	11	86
	78	1	0	05	80
	77	3	0	03	60
	77	2	0	03	78
	77	1 ख	0	07	74
	77	1 क	0	00	54
	76	3	0	01	84
	111	2	0	06	30
	111	1 क	0	01	82
	109	1	0	00	40
	132	1 क	0	02	63
	132	1 ख	0	08	90
	132	2	0	01	27
	132	3	0	00	95
	132	4	0	00	42
	134	1	0	19	44
	135	-	0	14	76
	137	2	0	06	12

तालूका : श्रीपेरुम्बुदूर		जिला : काँचीपुरम्		राज्य : तमिलनाडु	
गाँव का नाम	सर्वे सं	उप-खंड सं	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
सं.115 वडमंगलम्	145	3	0	00	90
	146	2 क	0	07	56
	157	2क1	0	09	75
	157	2क2	0	08	48
	165	2ख	0	10	95
	179	1	0	05	04
	179	3 क	0	05	22
	179	3ख	0	02	93
	179	3ग	0	01	40
	179	3घ	0	00	80
	179	3ङ	0	00	40
	178	4	0	05	98
	178	2	0	02	51
	175	6	0	00	40
	178	5क	0	02	89
	178	5ख	0	02	20
	219	1	0	04	94
	219	2	0	02	01
	221	5क	0	09	66
	221	5ग	0	00	42
	221	5ख	0	07	20
	221	2क	0	01	44
	220	2ज	0	02	10
	220	2झ	0	02	07
	220	2ञ	0	02	10
	220	2ट	0	02	56

तालूका : लालगुडी		जिला : तिरुचिरापल्ली		राज्य : तमिलनाडु	
गाँव का नाम	सर्वे सं	उप-खंड सं	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
सं.89 नेडक्कुलम	450	2	0	15	81
	508	2	0	10	21
सं.90 पेरियक्कुरुक्कै	176	22	0	00	40
सं.35 रेडिडमांगुडी	310	16	0	05	79
	10	7	0	08	59
सं.26 वालाडी	24	2	0	04	68

तालूका : तिरुचिरापल्ली		जिला : तिरुचिरापल्ली	राज्य : तमिलनाडु		
गाँव का नाम	सर्वे सं	उप-खंड सं	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
सं.60 कूत्तप्पार	71	2 अ	0	00	78

तालूका : मणप्पारै		जिला : तिरुचिरापल्ली	राज्य : तमिलनाडु		
गाँव का नाम	सर्वे सं	उप-खंड सं	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
सं.63 पुदुप्पट्टी (अयन)	27	3	0	10	44
	40	4	0	06	55
सं.73 पोरुवाय (अयन)	234	6	0	01	88

तालूका : कुळत्तूर		जिला : पुदुक्कोट्टै	राज्य : तमिलनाडु		
गाँव का नाम	सर्वे सं	उप-खंड सं	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
सं.44 आलंगुडी	38	1	0	09	63
	38	3	0	00	40

तालूका : उत्तिरमेरु		जिला : काँचीपुरम्	राज्य : तमिलनाडु		
गाँव का नाम	सर्वे सं	उप-खंड सं	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
सं.96 सात्तनंजेरी	28	1 अ	0	40	32
	28	1 अ	0	00	40
	34	1 अ	0	10	62
	53	1 अ	0	09	24
	53	2	0	03	24

तालूका : तिण्डिवनम्		जिला : विल्लुप्परम्		राज्य : तमिलनाडु	
गाँव का नाम	सर्वे सं	उपखंड सं	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
सं.41 सालई	24	4	0	18	36

[सं. आर.-31015/39/2000-ओ आर-1]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 9th February, 2001

S. O. 258.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2085 dated the 20th September 2000 issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) (herein after referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum products from Chennai to Madurai via Tiruchirapalli in the State of Tamil Nadu by Petronet CTM Limited.

And whereas, copies of the said notifications were made available to the public on 1st October, 2000;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the said land are required for laying of the pipelines for the transport of petroleum products;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of the publication of this declaration, in the Petronet CTM Limited, free from all encumbrances.

SCHEDULE

Taluk : Ponneri		District : Tiruvallur		State : Tamil Nadu		
Name of the Village	Survey no.	Sub-Division no.	Area			
			Hectare	Are	Sq.mtr	
1	2	3	4	5	6	
No.144 VALLUR	1457	-	0	29	88	
	1460	1	0	08	91	
	1460	2	0	05	16	
	1175	1A	0	18	94	
	1175	2	0	00	52	
	1175	3	0	01	36	
	1175	1B	0	01	30	
	1175	1C	0	01	20	
	1175	1D	0	00	94	
	1175	1E	0	00	83	
	1175	8	0	00	40	
	1175	17	0	01	33	
	1175	18	0	02	79	
	1175	19	0	01	08	
	1087	-	0	02	70	
	1088	-	0	09	37	
	1089	2	0	19	08	
	1095	2A1	0	06	52	
	1095	3	0	02	22	
	1095	4	0	00	40	
	1095	6	0	00	82	
	1096	-	0	18	45	
	1118	1	0	09	54	
	1118	2	0	15	03	
	1119	-	0	30	78	
	1120	1	0	05	64	
	1120	2	0	04	29	
	1138	-	0	08	46	
	1132	2	0	15	84	
	1131	-	0	14	40	
No.124 BUDUR	70	3	0	17	28	
	70	2A4	0	16	09	

1	2	3	4	5	6
	82		0	02	16
	81	10	0	00	80
	81	11	0	01	27
	81	12	0	00	73
	78	48	0	00	40
	78	47	0	00	70
	78	46	0	00	65
	78	45	0	00	40
	78	1	0	02	70
	78	43	0	00	80
	78	44	0	01	70
	78	36	0	00	40
	78	35	0	01	20
	78	34	0	01	50
	78	33	0	01	55
	78	26	0	00	56
	83	1	0	05	40
	83	3	0	00	40
	87	8B	0	01	50
	87	8C	0	02	10
	87	8D	0	04	50
	86	2	0	12	60
	86	1	0	04	80
No.116 SHOLAVARAM	515A	1A	0	06	12
	515A	1B	0	01	60
	523	1A	0	00	40
	512	13B	0	05	04
	512	13A	0	16	33
	512	11	0	03	16
No.109 ERUMAIVETTIPALAYAM(NEW)	96	1A	0	00	57
	160	-	0	18	72
	166	1	0	06	70
	190	1	0	09	90
	190	2	0	08	19
	193	-	0	09	62
	154	-	0	30	75
No.108 ATTUR	90	3B	0	01	34
	90	4	0	03	06

Taluk : Ambathur		District : Tiruvallur		State : Tamil Nadu	
Name of the Village	Survey no	Sub-Division no	Area		
			Hectare	Are	Sq.mtr
1	2	3	4	5	6
No.3 PONDESWARAM	72	3	0	01	78
	72	2	0	00	40
	73	5	0	00	85
	73	4	0	02	90
	73	3	0	03	63
	73	2	0	00	99
	73	1	0	00	40
	71	4	0	00	80
	79	1	0	11	86
	78	1	0	05	80
	77	3	0	03	60
	77	2	0	03	78
	77	1B	0	07	74
	77	1A	0	00	54
	76	3	0	01	84
	111	2	0	06	30
	111	1A	0	01	82
	109	1	0	00	40
	132	1A	0	02	63
	132	1B	0	08	90
	132	2	0	01	27
	132	3	0	00	95
	132	4	0	00	42
	134	1	0	19	44
	135	-	0	14	76
	137	2	0	06	12

Taluk : Sriperumbudur		District : Kanchipuram		State : Tamil Nadu	
Name of the Village	Survey no	Sub-Division no	Area		
			Hectare	Are	Sq mtr
1	2	3	4	5	6
No.115 VADAMANGALAM	145	3	0	00	90
	146	2A	0	07	56
	157	2A1	0	09	75
	157	2A2	0	08	48
	165	2B	0	10	95
	179	1	0	05	04
	179	3A	0	05	22
	179	3B	0	02	93
	179	3C	0	01	40
	179	3D	0	00	80
	179	3E	0	00	40
	178	4	0	05	98
	178	2	0	02	51
	175	6	0	00	40
	178	5A	0	02	89
	178	5B	0	02	20
	219	1	0	04	94
	219	2	0	02	01
	221	5A	0	09	66
	221	5C1	0	00	42
	221	5B	0	07	20
	221	2A	0	01	44
	220	2H	0	02	10
	220	2I	0	02	07
	220	2J	0	02	10
	220	2G	0	02	56

Taluk : Lalgudi	District : Tiruchirapalli		State : Tamil Nadu		
Name of the Village	Survey no.	Sub-Division no	Area		
			Hectare	Are	Sq mtr
1	2	3	4	5	6
No.89 NEIKULAM	450	2	0	15	81
	508	2	0	10	21
No.90 PERIYAKURUKKAI	176	22	0	00	40
No.35 REDDIMANGUDI	310	16	0	05	79
	10	7	0	08	59
No.26 VALADI	24	2	0	04	68

Taluk : Tiruchirapalli District : Tiruchirapalli State : Tamil Nadu

Name of the Village	Survey no	Sub-Division no	Area		
			Hectare	Are	Sq mtr
1	2	3	4	5	6
No.60 KUTTAPPAR	71	2B	0	00	78

Taluk : Manapparai District : Tiruchirapalli State : Tamil Nadu

Name of the Village	Survey no	Sub-Division no	Area		
			Hectare	Are	Sq mtr
1	2	3	4	5	6
No.63 PUDUPATTI (AYAN)	27	3	0	10	44
	40	4	0	06	55
No.73 PORUVAY (AYAN)	234	6	0	01	88

Taluk : Kulathur District : Pudukkottai State : Tamil Nadu

Name of the Village	Survey no	Sub-Division no	Area		
			Hectare	Are	Sq.mtr
1	2	3	4	5	6
No.44 ALANGUDI	38	1	0	09	63
	38	3	0	00	40

Taluk : Uthiramerur District : Kanchipuram State : Tamil Nadu

Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr
1	2	3	4	5	6
No.96 SATHANANJERI	28	1A	0	40	32
	28	1B	0	00	40
	34	1A2	0	10	62
	53	1A	0	09	24
	53	2	0	03	24

Taluk : Tindivanam District : Villupuram State : Tamil Nadu

Name of the Village	Survey no	Sub-Division no	Area		
			Hectare	Are	Sq mtr
1	2	3	4	5	6
No.41 SALAI	24	4	0	18	36

श्रम मंत्रालय

अधिनिर्णय

नई दिल्ली, 10 जनवरी, 2001

का. आ. 259.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. श्रीनाथ इन्टरप्राइजेज प्रा. लि. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-2001 को प्राप्त हुआ था।

[सं. एल-29011/6/98-आई आर (एम)]

बी. एम. डेविड, अव्वर सचिव

MINISTRY OF LABOUR

New Delhi, the 10th January, 2001

S.O. 259.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal. Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Srinath Enterprises Pvt. Ltd., and their workmen which was received by the Central Government on the 5-1-2001.

[No. L-29011/6/98/IR(M)]

B. M. DAVID, Under Secy.

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण / केन्द्रीय / कोटा/राज.
पीठासीन अधिकारी श्री महेश चन्द्र भगवती, आर. एच.
जे. एम.

निर्देश प्रकरण क्रमांक : औ. न्या. 15/98

दिनांक स्वागत : 6/8/98

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के
आदेश क्रमांक एल-29011/6/98-आई. आर.
(एम.) दिनांक 20-7-98

निर्देश अन्तर्गत धारा 10(1)(घ)

औद्योगिक विवाद अधिनियम, 1947

मध्य

जनरल सेक्रेटरी, राष्ट्रीय मजदूर संघ, रामगंजमण्डी

—प्रार्थी श्रमिक यूनियन

एवं

मै. श्रीनाथ इन्टरप्राइजेज, प्रा. लि., चेचट जिला कोटा

—प्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक यूनियन की ओर से प्रतिनिधि : श्री रामगोपाल गुप्ता

अप्रार्थी नियोजक की ओर से प्रतिनिधि : श्री एस. सी.

मरवा

अधिनिर्णय दिनांक : 10-11-2000

257 GI/2001—9

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश दिनांक 20-7-98 द्वारा निम्न निर्देश-विवाद/अनुसूची, औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :—

“Whether the action of the management of M/s. Sreenath Enterprises is not increasing the rate of daily wages as per settlement to the workers working in their mines and in not regularising the services of those workmen who have put in 240 days of service is justified? If not, to what relief the workmen are entitled?”

2. निर्देश-विवाद/अनुसूची न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को विधिवत सूचना जारी की गयी जिस पर प्रार्थी श्रमिक यूनियन की ओर से अपना क्वेम स्टेटमेंट प्रस्तुत किया गया।

3. आज पक्षावली वास्ते जवाब अप्रार्थी नियोजक नियत थी, परन्तु प्रार्थी श्रमिक यूनियन के प्रतिनिधि श्री रामगोपाल गुप्ता, मंत्री एवं अप्रार्थी नियोजक प्रतिनिधि श्री एस. सी. मरवाह ने संयुक्त रूप से प्रार्थना-पत्र के साथ समझौता-पत्र प्रस्तुत कर यह निवेदन किया कि चूंकि दोनों पक्षों के मध्य लम्बित- निर्देश-विवाद के संबंध में लोक न्यायालय की भावना से प्रेरित होकर आपसी समझौता सम्पन्न हो गया है और अब दोनों पक्षों के मध्य समझौते उपरान्त कोई विवाद शेष नहीं रहा है, अतः समझौते के आधार पर अधिनिर्णय पारित कर दिया जावे।

4. प्रस्तुतशुदा समझौते पत्र को दोनों पक्षों को पढ़कर सुनाया व समझाया गया जिस पर दोनों पक्षों ने सही होना स्वीकार किया। न्यायाधिकरण द्वारा भी समझौते का अवलोकन किया गया जो दोनों पक्षों के हित में प्रतीत होता है। चूंकि दोनों पक्षों के मध्य लोक न्यायालय की भावना से प्रेरित होकर लम्बित निर्देश-विवाद के सम्बन्ध में आपसी समझौते उपरान्त अब कोई विवाद शेष नहीं रहा है, अतः प्रस्तुत शुदा समझौते के आधार पर इसी प्रकार अधिनिर्णय पारित किया जाता है तथा दोनों पक्ष इस समझौते से सम्बद्ध रहेंगे।

महेश चन्द्र भगवती, न्यायाधीश,
औद्योगिक न्यायाधिकरण

नई दिल्ली, 10 जनवरी, 2001

का. आ. 260.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिनरल एक्स्प्लोरेशन कार्पो. लि. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-2001 को प्राप्त हुआ था।

[सं. एल-29011 29/98-आई आर (एम)]

बी. एम. डेविड, अव्वर सचिव

New Delhi, the 10th January, 2001

S.O. 260.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Mineral Exploration Pvt. Ltd. and their workman, which was received by the Central Government on 5-1-2001.

[No. L-29011/29/98-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri Syed Abdullah, B.Sc., B.L., Industrial Tribunal-I.

Dated : 12th day of December, 2000
Industrial Dispute No. 26 of 1999

BETWEEN:

The President, MEC Employees Union
Regd. Office, Plot No. 65,
S. B. H. Colony, Mohan Nagar,
Kothapeth, Hyderabad-500 035.

Petitioner

AND

The Management of Mineral
Exploration Corporation Limited,
G.S.I. Complex, Bandlaguda,
Hyderabad-500 068.

Respondent.

APPEARANCES:

M/s. P. Gurumurthy and G. Rajeswari, Advocates for the Petitioner.

M/s. P. Nageswara Sree and C. Niranjan Rao, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by its order No. L-29011/29/98/IR(M), dt. 4-3-1999 referred the following Industrial Dispute under Section 10(1)(d) and Sub-Section 2(A) of Industrial Disputes Act, 1947, to this Tribunal for adjudication :

"Whether the action of the management of Mineral Exploration Corporation Ltd., Bhupalpally in not granting 5 days' casual leave for the year 1997 to the workmen is justified? If not, to what relief the workmen are entitled?"

Both parties appeared and filed their respective pleadings.

2. Briefly stated the claim statement averments are as under :—The respondent-Corporation is a Government of India Undertaking functioning under the direct control and supervision of Ministry of Mines, Department of Mines, Government of India, New Delhi, which was established in 1972. It is undertaking

primarily for detailed mineral exploration through drilling and mining operations and also jobs entrusted by Public Sector Undertakings and Government Organisation by entering into agreements with the Managements who intend to engage the respondent Corporation. The Respondent engages workers on the sites and they are wrongly divided into regular and contingent. The contingent employees are exploited in so far as service conditions and wages are concerned, there is no distinction between the work carried out by the contingent workers and regular workers. The regular workmen are provided with accommodation at sites but the contingent employee are not provided with it. Further the wages are paid to contingent workers are less, so also denied with allowances to them. The respondent had taken up mine construction work in Bhoopalpalli area in Warangal District under an agreement with the Singareni Collieries Company Limited. The respondent employed 54 workmen for mine construction work. They are paid wages Rs. 20 per day Rs. 10 as underground wages and variable D.A. fixed as on 1-7-1997. They were employed in August, 1997. The wage fixed including the variable dearness allowance as on the date of appointment remained between August, 1997 and date of filing this claims statement. The wages of regular workmen were revised. Further their variable Dearness Allowance is adjusted once in three months depending upon the rise in the cost of living index but the said adjustment is not applied to contingent workmen. Similarly, in the availment of sick leave, casual leave etc. the workmen employed from August, 1997 were granted only 2 days casual leave instead of 5 days casual leave taking into account the proportionate entitlement during the calendar year. The rules however did not make any provisions for grant of casual leave on proportionate basis and a workman employed at any time during the year can avail casual leave admissible during the calendar year. The quantum of leave cannot differ from regular workmen and contingent workmen especially in the matter of casual leave since casual leave if not availed during the calendar year lapses and all other kinds of leave do not lapse at the end of the calendar year. The contingent workmen are therefore entitled to 14 days casual leave in a calendar year. But they were granted only 2 days casual leave during the year 1997 and denied 12 more days which they are entitled. Hence they are entitled for monetary compensation of substituted holidays to the extent of 12 days.

3. The respondent filed counter which is as under : The reference made by the Government of India is beyond the scope and ambit of Section 10(1)(d) of I.D. Act and the Government of India has no power or jurisdiction to refer the matter for adjudication and therefore the present reference is liable to be rejected. The temporary or contingent workman will be terminated after completion of exploration work or in case of wound up and the regular workmen were called back to the Headquarters for re-deployment. As per the Certified Standing Orders, the workmen are classified. The certified Standing Orders has further specifically stipulates entitlement of leave with wages for each category of the workmen and the casual leave is specifically stipulated in Clause 15(II) of the Certified Standing Orders. These casual workmen were engaged in July/August, 1997 due to exigencies of work at the project site Bhupalpally. As per the Standing Orders they are entitled for grant of casual leave for 5 days, in a full calendar year provided the workmen were engaged throughout the year. However all the casual workmen covered under the reference were engaged only in July/August, 1997 and they were accordingly granted casual leave proportionate to service rendered

by them. Further as per standing orders the minimum wages are paid. So the casual workmen are not entitled for full 5 days casual leave for the year 1997, as they were engaged in the middle of the year. In any case the petitioner cannot claim the casual leave as a matter of right and the claim of the petitioner is accordingly liable to be rejected. The issue of providing accommodation has no relevancy at all. The rest of the allegations are denied. The prayer made by the petitioner is not in accordance with reference made to this Tribunal and the entitlement of granting 12 days casual leaves is not the issue referred to this Tribunal and this Tribunal cannot grant relief to them. The claim is devoid of merits and speculative nature. Hence prayed to dismiss the claim petition.

4. The point for adjudication is :

"Whether the action of the management of Mineral Exploration Corporation Bhupalapally, in not granting 5 days' casual leave for the year 1997 to the workmen is justified If not, to what relief the workmen are entitled?"

5. To substantiate to the claim, the president of the union examined himself as WW1 and deposed that the workmen employed in Bhupalpalli Mining Project of respondent were not granted 5 days casual leave in the year 1997 as provided under Standing Orders but they were granted only 3 days. Ex. W1 is the standing order xerox copy and as per Clause 15(II) the employees are entitled for 5 days casual leave in a calendar year. So it is prayed that 2 days wages may be paid in lieu of 2 days casual leave denied to the employees.

6. As against the above evidence, on the side of the management the Sr. Manager gave evidence and deposed that the contingent workers were taken for specific job for the limited period. Ex. W1 is the Standing Orders and as per Clause 3(b) of Ex. W1 the service condition is referred to about contingent workers. Clause 15(II) of Ex. W1 relates to grant of 5 days casual leave in a calendar year to contingent workers. 59 contingent employees are covered by this dispute, and they joined in July/August, 1997. They were sanctioned with 2 days casual leave, by proportionating the number of months and days in the year. Ex. M1 is the statement which shows the availment of casual leave by the workmen worked during 1997. Ex. M2 is the leave register. In case any employee joins in the middle of calendar year he cannot claim 5 days casual leave. Subsequent to the reference the project of S.C.C. taken up at Bhupalpalli, was closed and their accounts were settled. So they cannot claim any privileges on par with the regular employees.

7. The union has raised the dispute of the contingent workers of the respondent-Corporation as they were denied with full 5 days casual leave in the calendar year 1997 as provided under Clause 15(II) of Ex. W1 Standing Orders. So in lieu of it, they should be paid with 2 days of wages.

8. The adjudication of the dispute covered by the reference is with regard to granting of 5 days casual leave to the casual workmen employed in the respondent-company in the year 1997 who were posted at the Project Bhupalapalli village in Warangal District, and since the management denied them availment of full 5 days casual leave this dispute was raised. As the dispute is limited for adjudication for the entitlement of 5 days casual leave, the other allegations made by the union against the management about showing discrimination between the regular workmen and the casual workmen in payment of wages and other privileges is beyond the scope of the reference and jurisdiction.

9. According to the union as per the Standing Order the respondent company covered by Clause 15(II) each workman is entitled for 5 days casual leave while so they were allowed to avail only 2 days casual leave during the year 1997 so for the loss of 3 days casual leave the workmen shall be compensated for payment of wages.

10. Whereas the management's stand is that under the above standing order the casual workmen are also eligible to avail 5 days casual leave in a calendar year but in case

any worker joining in the middle of the year or later point of time he cannot claim 5 days casual leave and the total 5 days casual leaves are to be proportionately cut short depending upon the months the workman discharges his duties and since the workmen herein were appointed in July/August, 1997 depending on the duration of work in the calendar year they were granted only 2 days casual leave out of 5 days for the entire calendar year which is also a practice adopted in all Governmental and semi-governmental organisations.

11. Ex. W1 is the standing order in which relevant rule is clause 15(II) which reads as follows :

"The employees will be entitled for grant of casual leave for 5 days in a calendar year. The casual leave will not be combined with any other kind of leave.

12. There is no dispute that casual workers were taken on employment temporarily on daily wages for the project work at Bhupalpalli till its completion and that they joined in service during July/August, 1997 by which date 6 months in the calendar year had elapsed and hardly there were 5 months remained for the remaining calendar year 1997. Whereany employee or worker is appointed in the middle of the year or later part, it is a common procedure and convention that casual leaves to be availed by the individual proportionately to the number of days worked out in the calendar year. Similarly even if an employee retires in the middle of the year or in the later part one cannot avail total leaves entitled or in the calendar year. Further the employee cannot demand casual leave as a matter of right. The respondent company is a public undertaking under control of Central Government which has to follow the rules and procedure and by following the said procedure the management has rightly calculated the casual leaves by maintaining necessary leave registers of the individuals covered by Ex. M2. The uniform procedure is being followed for all the workers permitting availment of casual leaves proportionately depending upon the number of months worked in the calendar year. There cannot be any grievance on the part of the workmen herein that they were denied with full enjoyment of 5 days casual leave as per the standing order. It is not the case of the union that earlier there were precedents that any of the workers in the establishment were granted full casual leave even though they were appointed in the last quarter of the calendar years. Thus on over all review of the factual and legal aspects covered by the dispute, there is no hesitation to hold that the claim of the union for the entitlement of 5 days casual leave for the workmen who joined in the middle year to have availment of full 5 days casual leave instead of 2 days as sanctioned by the management is not sustainable and thereby the denial is justified as valid.

13. In the result, an award for the claim of the petitioner is not justified in the circumstances of the case there is no order as to costs.

Dictated to the Steno-typist, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal on this the 12th day of December, 2000.

SYED ABDULLAH, Industrial Tribunal-I

APPENDIX OF EVIDENCE

Witnesses Examined for Petitioner:	Witnesses Examined or Respondent:
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WW1. P. C. Ramakrishnaiah Documents marked or the Petitioner:	MW1 : K. K. Govindan
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Ex. W1 : Xerox copy of the standing order of the company.

Documents marked for the Respondent:

Ex. M1 : Statement of the availment of casual leave by the casual workers in the year 1997.

Ex. M2 : Contingent leave register of Bhupalpalli Mining Project for the year 1997-98.

नई दिल्ली, 10 जनवरी, 2001

SCHEDULE

का. आ. 261.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. उदयपुर मिनरल डवलपमेंट सिडिकेट प्रा. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय भीलवाड़ा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-2001 को प्राप्त हुआ था।

[सं. एल-29012/85/99-आई आर (एम)]

बी. एम. डेविड, अव्वर सचिव

New Delhi, the 10th January, 2001

S.O. 261.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bhilwara as shown in the Annexure in the Industrial Dispute between the employers in relation to the management M/s. Udaipur Mineral Development Syndicate Pvt. Ltd. and their workman, which was received by the Central Government on 5-1-2001.

[No. L-29012/85/99-IR(M)]

B. M. DAVID, Under Secy.

अनुबन्ध

औद्योगिक न्यायाधिकरण, भीलवाड़ा

कैम्प-गुलाबपुरा, जिला-भीलवाड़ा (राज.)

औद्योगिक विवाद प्रकरण संख्या 58/99 (केन्द्र सरकार)

अधिसूचना

अध्यक्ष भारतीय खान मजदूर संघ, जिला भीलवाड़ा

कार्यालय : दुरड़ा, नहरीन-दुरड़ा, जिला-भीलवाड़ा (राज.)

—प्रार्थी

एवं

चीफ एक्जीक्यूटिव एवं एजेन्ट, उदयपुर मिनरल डवलपमेंट सिडिकेट लि. भीलवाड़ा (राज.)

—विपक्षी

उपस्थित

(श्री मुरलीधर वैष्णव, न्यायाधीश, आर. एच. जे. एस.)

प्रार्थी की ओर से : नारायण सिंह, जगदीशमाली उप.

विपक्षी की ओर से : श्री आर. एस. सोलंकी अधिवक्ता उप.

पंचाट

दिनांक 10-11-2000

माननीय केन्द्र सरकार द्वारा जरिये अधिसूचना संख्या एल-29012/85/99 आई आर (एम) दिनांक 30-11-1999 के जरिये निम्न प्रसंग न्यायनिर्णयन हेतु इस न्यायाधिकरण को प्रेषित किया है :—

"Whether the action of the Agent, M/s Udaipur Mineral Development Syndicate Pvt. Ltd. Bhilwara by not giving Gr. Rs. 750-25-1000-30-35-1475 to S/Shri Dev Karan S/o Shri Uda Gujar and Shri Devkaran S/o Shri Kana Gujar w.e.f. 31-5-1998 is legal and justified? If not, to what relief the concerned workmen are entitled?"

प्रसंग प्राप्ति पर पक्षकारान को आहूत किया गया। आज प्रार्थी देवकरण मय प्रतिनिधि उप.। प्रार्थी देवकरण ने एक प्रार्थना पत्र प्रस्तुत कर इस प्रकरण में कोई विवाद न होना जाहिर किया। चूंकि प्रार्थी देवकरण आत्मज कानागुजर का इस प्रकरण में दिाक्षी से अब कोई विवाद शेष नहीं रहा है अतः उसके विरुद्ध कोई विवाद नहीं रहा आशय का पंचाट आंशिक रूप से जारी किया जाता है। श्रमिक देवकरण आत्मज उदयपुर गुजर प्रकरण को यथावत रखना चाहता है अतः इस प्रकरण में उसके लिये कार्यवाही जारी रहेगी। पंचाट की प्रति प्रकाशनार्थ माननीय भारत सरकार, श्रम मंत्रालय, दिल्ली को भेजी जावे।

मुरलीधर वैष्णव, न्यायाधीश

औद्योगिक न्यायाधिकरण

नई दिल्ली, 10 जनवरी, 2001

का. आ. 262.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स गोलचा मिनरल्स प्रा. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय भीलवाड़ा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-2001 को प्राप्त हुआ था।

[सं. एल-29012/89/99-आई आर (एम)]

बी. एम. डेविड, अव्वर सचिव

New Delhi, the 10th January, 2001

S.O. 262.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bhilwara as shown in the Annexure in the Industrial Dispute between the employers in relation to the management M/s. Golcha Minerals Pvt. Ltd. and their workman, which was received by the Central Government on 5-1-2001.

[No. L-29012/89/99-IR(M)]

B. M. DAVID, Under Secy.

अनुबन्ध

औद्योगिक न्यायाधिकरण, भीलवाड़ा

कैम्प-गुलाबपुरा, जिला-भीलवाड़ा (राज.)

औद्योगिक विवाद प्रकरण संख्या 50/99 (केन्द्र सरकार)
विवाद मध्य :—

अध्यक्ष, भारतीय खान मजदूर संघ, जिला-भीलवाड़ा
कार्यालय : दुरड़ा, नहरीन-दुरड़ा, जिला-भीलवाड़ा (राज.)

... प्रार्थी

बनाम

एजेन्ट, गोलचा मिनरल्स प्रा. लि. भीलवाड़ा (राज.)
—विपक्षी

उपस्थित

(श्री मुरली वैष्णव, न्यायाधीश, आर. एन्. जे. एस.)
प्रार्थी की ओर से श्री नारायण सिंह प्रतिनिधि उप. ।
विपक्षी की ओर से श्री राजेन्द्र सिंह सौलकी अधि. उप० ।

पंचाट

दिनांक 10-11-2000

माननीय केन्द्र सरकार द्वारा जरिये अधिसूचना संख्या
एल-29012/89/99 (आई आर) (एम) दिनांक
26-11-1999 के जरिये निम्न प्रसंग न्याय निर्णयन हेतु
इस न्यायाधिकरण को प्रेषित किया गया है :—

THE SCHEDULE

“Whether the action of the management of M/s Golcha Minerals Pvt. Ltd., Bhilwara in not giving the grades Rs. 750-25-1000-30-35-1475 to Shri Kalu S/o Shri Bhaguta even after promoting the workman as Dumper Operator w.e.f. 1-11-96 is legal and justified? If not, to what relief the concerned workman is entitled?”

प्रसंग प्राप्ति पर पक्षकारान को आहूत किया गया। आज प्रार्थी मय प्रतिनिधि नारायण सिंह के उपस्थित। विपक्षी प्रतिनिधि उप. । प्रार्थी ने एक प्रार्थना पत्र प्रस्तुत कर प्रकरण में विपक्षी से समझौता हो जाने वास्तव ये कथन किया। व जाहिर किया कि इस प्रकरण में कोई विवाद नहीं रहा आशय का पंचाट जारी फरमाया जावे।

चूंकि प्रार्थी का विपक्षी से इस प्रकरण में कोई विवाद नहीं रहा है अतः इस प्रकरण में कोई विवाद नहीं रहा आशय का पंचाट जारी किया जाता है। पंचाट प्रति प्रकाश-नार्थ माननीय भारत सरकार, श्रम मंत्रालय, दिल्ली को भेजी जावे।

मुरलीधर वैष्णव, न्यायाधीश, औद्योगिक अधिकरण

नई दिल्ली, 10 जनवरी, 2001

का. आ. 263.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान पेट्रोलियम कार्पोरेशन लि. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण इरनाकुलम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-2001 को प्राप्त हुआ था।

[सं. एल-30011/62/99-आई आर (एम)]

बी. एम. डेविड, शरार सचिव

New Delhi, the 10th January, 2001

S.O. 263.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Hindustan Petroleum Corporation Ltd. and their workman, which was received by the Central Government on 5-1-2001.

[No. L-30011/62/99-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR
COURT, ERNAKULAM

(IN THE LABOUR COURT, ERNAKULAM)

(Wednesday, the 22nd day of November, 2000)

PRESENT :

Sri. D. Mohanarajan, B.Sc., LL.B., Presiding
Officer.

Industrial Dispute No. 6/2000 (Central)

BETWEEN

The Installation Manager,
M/s. Hindustan Petroleum Corporation Ltd.,
Cochin-682014,
Ernakulam Tel Tata Road, Ernakulam.

AND

The workman represented by the General Secre-
tary, Petroleum Workers Association,
Smatha Law Chambers,
Power House Extension Road,
Cochin.

AWARD

The Government of India as per order No. L-30011/62/99/IR(M) dated 29-2-2000 referred the following industrial dispute to this court for adjudication :

“Whether the action of the management of Hindustan Petroleum Corporation Ltd. in denying the payment of ad-hoc adjustable advance for 9 months period covering 1-10-98 to 30-6-99 to the workers of Ernakulam and Cochin Terminal who failed to record the attendance through Electronic Attendance Recording System is fair and justified? If not, to what relief the employees are entitled?”

2. Though notice was duly served, the union did not turn up and proceed with the dispute. The management appeared in person and submitted that the dispute has been settled amicably out of court. In the above circumstances, this court is pleased to think that there is no subsisting industrial dispute between the parties to be resolved.

In the result, the reference is answered holding that there is no subsisting industrial dispute between the parties to be adjudicated upon.

Ernakulam,

22-11-2000.

D. MOHANARAJAN, Presiding Officer

नई दिल्ली, 10 जनवरी, 2001

का. आ. 264.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. बी. पी. कॉ. लि. के प्रबन्धक के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-2001 को प्राप्त हुआ था।

[सं. एल-30012/5/99-आई आर (एम)]

वी. एम. डेविड, अवर सचिव

New Delhi, the 10th January, 2001

S.O. 264.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of I.B.P. Co. Ltd. and their workman, which was received by the Central Government on 5-1-2001.

[No. L-30012/5/99-IR(M)]

B. M. DAVID, Under Secy.

अनुबन्ध

समक्ष श्री केशव शरण श्रीवास्तव : पीठासीन अधिकारी :—
केन्द्रीय सरकार औद्योगिक अधिकरण : नई दिल्ली

ओ. वि. सं. 162/99

श्री नन्द लाल,
द्वारा दिल्ली मजदूर संगठन,
74, साउथ एवेन्यू,
नई दिल्ली

बनाम

आई. बी. पी. कंपनी लिमिटेड,
द्वारा प्रबन्धक,
रीजनल आफिस,
कौर-8, तीसरी मंजिल,
सकोप कम्पलैक्स,
7, चौधरी रोड,
नई दिल्ली-110003

उपस्थिति : कर्मकार की तरफ से कीई नहीं।

श्री राकेश कुमार एसिस्टेंट आफ एम. डायज विपक्ष की ओर से।

अधिनिर्णय :

केन्द्रीय सरकार के श्रम मंत्रालय के लिखित आदेश सं. एल-30012/5/99-आई आर (एम) दिनांकित 28-5-99 द्वारा यह विवाद अंतर्गत धारा 10(1)(घ) व 2(क) के अंतर्गत निम्नलिखित विवादास्पद प्रश्न के न्याय निर्णयन हेतु निर्देशित किया गया है।

"Whether the action of the Chief Manager, IBPL Co. Ltd. Regional Office, SCOPE Complex, New Delhi, in stopping from duty w.e.f. 4-6-98 Shri Nand Lal, Security Guard engaged through contract for watch and ward of their office building situated at 15, Hansalay Building, New Delhi, instead of regularising his service and not paying him the wages as per their regular employee is justified and legal? If not, to what relief and benefits the workman is entitled?"

2. वाद के पंजीकृत होने के पश्चात आदेश दिनांकित 22-11-99 द्वारा अध्यक्ष को नोटिस अपने पक्ष प्रस्तुत करने हेतु दी गई। कर्मकार किसी भी तिथि पर उपस्थित नहीं आया। प्रबन्धक की ओर से उसके अधिकृत प्रतिनिधि उपस्थित हुए। कर्मकार को कई तिथियां पर नोटिस से पंजीकृत डाक द्वारा भेजे गये परन्तु कर्मकार उपस्थित नहीं हुआ और न ही उसकी ओर से कोई अधियाचन विवरण ही प्रस्तुत किया गया है से प्रतीत होता है कि कर्मकार का वाद में कोई रुचि नहीं है। अतः वाद में कर्मकार के विरुद्ध आदेश दिनांकित 12-12-2000 द्वारा एकपक्षीय कार्यवाही की गई।

3. चूंकि कर्मकार की ओर से कोई अधियाचन विवरण वाद में प्रस्तुत नहीं किया गया अतः वाद में बिना कोई विवाद अधिनिर्णय पारित किया जाता है।

केशव शरण श्रीवास्तव, पीठासीन अधिकारी
दिनांक 19-12-2000

नई दिल्ली, 15 जनवरी, 2001

का. आ. 265.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी., मेहसाना के प्रबन्धक के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय अहमदाबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-1-2001 को प्राप्त हुआ था।

[सं. एल-30012/24/92-आई आर (विविध)]

वी. एम. डेविड, अवर सचिव

New Delhi, the 15th January, 2001

S.O. 265.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Ahmedabad as shown in the Annexure in the Industrial Dispute

between the employers in relation to the management of ONGC, Mehsana and their workman, which was received by the Central Government on 12-1-2001.

[No. L-30012/24/92-IR(Misc.)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE SHRI B. I. KAZI, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL),
AHMEDABAD

Reference (ITC) No. 16/93

ADJUDICATION

BETWEEN

1. The Regional Director, ONGC,
Western Region,
Makarpura Road,
Baroda-9.
2. The Group General Manager (Projects),
Oil & Natural Gas Commission,
Mehsana Project,
New Adm. Building,
Palvasna, Mehsana-384 002, ... First party.

Vs.

The workmen employed under it. ... Second party.

In the matter of refusal of the claim of Shri G. K. Panchal for the promotional post of Jr. (P) on selection from the departmental candidates etc.

APPEARANCES :

Shri K. V. Gadhia, Advocate—for the first party.

Shri A. S. Kapoor, representatives for the second party.

AWARD

The Government of India, Ministry of Labour has referred this industrial dispute by the Order No. L-30012/24/92-IR(Misc.) dated 1-9-1993 between the above-mentioned parties for the adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 to this Tribunal. The terms of reference as per the schedule is as under :

SCHEDULE

"Whether the action of Management of ONGC through Regional Director, Baroda and General Manager (Project), Mehsana refusing the claim of Sh. G. K. Panchal for the selection to the promotional post of JE(P) from the departmental candidates by not intimating the interview date is justified, legal and proper? If not, to what relief the workman is entitled and from what date and what directions are necessary in the matter."

2. Notice has been issued to the second party to file the statement of claim. The second party has submitted that the statement of claim as per Ex. 2. The brief facts of the statement of claim are that Shri G. K. Panchal, member of the second party Union

joined the service of the first party on 2-5-1981 as Asstt. Technician (Production) at Mehsana. He was possessing the technical qualification of diploma in Mechanical Engg.—a higher qualification. As per the rules, 1980, the Asstt. Technician (Production) is promoted to the post of Jr. Technician (Production) with six years experience in line, then after to the post of chageman (Production) with six years experience in the line and then after Asstt. Engineer (Production) with six years experience in the line and Jr. Engineers are elevated to the post of Asstt. Engineer (Production) with 4 years service in the line. The promotion is time-bound and as such take place on 1st January every year and the rules are in operation. The concerned workman has worked for more than 6 years. On 31-12-87 he was promoted to the post of Jr. Technician (Production) w.e.f. 1-1-1988 as per the agreement with the Union. The departmental candidates fulfilling the requisite qualifications will be given first consideration in direct recruitment. The departmental candidates are offered appointment before any outsider and they will be rated higher in the respective seniority list. He has worked from 22-8-88 to 12-12-88 on the post of Jr. Engineer (Production). The commission invited applications from the departmental candidates for the post of Jr. Engineer (Production) and the concerned workman applied and was subsequently selected for the post and joined at Hajira project of ONGC on 23-8-88. But he sought his transfer to Mehsana Project and joined his original post of Jr. Technician (Production) on 13-12-88. He was assigned the duties of shift in-charge of oil well installation and namely they are either Asstt. Engineer (Production) or Jr. Engineer (Production). The first party No. 1 issued a circular No. 10(1)/91-RECTT. dt. April 12, 1991 inviting applications from the departmental candidates for the post of Jr. Engineer (Production). The workman involved in the present reference applied for the same since he was possessing the requisite qualification for the post and having vast experience in the line vide application dated 3-5-91. The workman submitted an advance copy of first party No. 1 as well as an application to first party No. 1 through party No. 2. The first party No. 2 forwarded the application of the workman with recommendations to first party No. 1 vide their letter No. MHN/Estt./OBG/HP/90/298 dated 27-5-1991 and he was eagerly waiting for interview, but did not receive any intimation from any quarters. The workman on 29-6-91 came to know that the interview for the post of Jr. Engineer (Production) has already over and it was conducted by the Commission at ONGC, Baroda on 19-6-91 and 20-6-91. He also came to know that all his juniors were new entrants in the service of the Commission had joined on the post of Asstt. Tech. (Production) in the year 1989 and later 90s and they have not even completed probation period of one year duration and they have been interviewed and are likely to be appointed to the post of Jr. Engineer (Production). The concerned workman on 29-6-91 made a written representation to the Commission. Thus the first party No. 1 was sent an advance copy and also made a representation through the first party No. 2, which contains all the vital information with regard to the interview and submitted that his juniors have been called for the

same interview. He also submitted that he may also be afforded an opportunity to give the interview and called for the same. In addition the second party Union also made a written representation to the Commission that is the first party No. 1 in person at Baroda on 30-6-91. The workman applied for the post of Jr. Engineer (Production) and advance copy to the first party No. 1 was also sent. The first party No. 2 also forwarded the application of the workman with recommendations to first party No. 1 vide their letter dated 27-5-91. The workman did not receive any intimation for interview. However, on 29-6-91, he came to know that the post of Jr. Engineer (Production) has already conducted by the Commission at Baroda on 19-6-91 and 20-6-91 and also understood that all his juniors who were though not completed probation period have been interviewed are likely to be appointed to the post of Jr. Engineer (Production). Then immediately on 29-6-91, he made a written representation to the Commission. The Union also represented the same and requested for the review of the decision and consideration of workman for the post of Jr. Engineer (Production). Before conciliation, the first party No. 2 submitted that the concerned workman could not be informed with regard to interview since the telex message dated 6-6-91 did not contain the names of the workman. However, at Serial No. 39, the name of concerned workman was there and Serial No. 40 Shri J. V. Patel's name was there and he reported for the interview and has been selected and appointed to the post of Jr. Engineer (Production). The first party No. 2 though having sufficient time did not inform the concerned workman whose name was appearing at Sr. No. 39 for the interview. Though the first party No. 1 & 2 have well-knit communication system like telephone, wireless, fax etc. Thus, though qualified there was no reason for his non-selection to the post looking to his experience and if he had been afforded opportunity to attend the said interview, it was sure that he would be selected for that post. Thus, the said action of the Commission of not calling the workman for the interview is an illegal action and it has caused irreparable loss to the workman and also caused discontentment since his juniors who joined service in the year 1989 and late 1990 were holding the post of Asstt. Technician (Production) promoted to the post of Asstt. Engineer (Production) w.e.f. 1-1-1996 and the workman will be stagnating on the post of Chageman (Production). Thus it is prayed that the Hon'ble Tribunal may kindly hold and declare that the action of the Commission in not intimating the date of interview to the workman is unjustified, illegal, improper and mala fide and may pass award by ordering appointment of workman to the post of Jr. Engineer (Production) w.e.f. 17-7-1991 i.e. date when his juniors with only one year service in the Commission occupied that position and pass an award by paying all consequential benefits alongwith 12 per cent compound interest and cost.

3. The notice was issued to the first party to file written statement. By Ex. 3, the first party has filed written statement. The brief facts of the written statement are that the reference is not maintainable and the Hon'ble Tribunal has no jurisdiction and the reference is incompetent and bad in law. The promo-

tion is managerial function and no workman had legal right to claim the promotion and the Hon'ble Tribunal has no jurisdiction to grant such claim. The Commission has not admitted various statements and contentions made in the statement of claim. With reference to para 1 to 7 of statement of claim and averments and contentions made in these paras are not true and hence denied and it should be proved by the Union. With reference to paras 8 to 10 of the statement of claim, it is true that the concerned workman Shri G. K. Panchal is possessing the requisite qualification and also selected and posted at Hijira Project as Jr. Engineer (Production) and as per his request he was transferred to Mehsana and joined original post of Jr. Technician (Production) and it is denied that he was assigned duties that of shift in-charge and regularly performing the same duties. It is true that Commission has invited application for the post of Jr. Engineer (Production). The workman has also applied for the post and it was forwarded to Baroda. With reference to paras 11 to 15 of the statement of claim, it is submitted that interview for the post of Jr. Engineer (Production) was conducted on 19-6-91 and 20-6-91, but it is not true that juniors of he concerned workman are likely to be appointed to the post of Jr. Engineer (Production). It is true that from telex message name appearing at Sr. No. 34 to 47 were only meant for Mehsana Project and that names were passed through telex to Mehsana Project. Serial No. 39 to 40 were missing and no action has been taken by Mehsana Office for the recruitment section under the impression that it was a matter of wrong numbering and it is denied that the first party was having sufficient time to inform Shri Panchal, whose name is appearing at Sr. No. 39 at the telex message. It is true that Shri G. K. Panchal has made representation. In pursuant to that Mehsana Office has sent a telex to GGM (P&A) Baroda. Meanwhile local recruitment Section was informed about the same and who has in turn check up the post confirmation copy of the said telex message of all candidates who have been called for in the interview. The name of Shri Panchal was appearing at Sr. No. 39 and the copy was received by the recruitment Section on 26-6-91 and by the time the interview was over, GM (P&A), ONGC, Baroda informed that his case will be considered against the vacant post of JE(M) or JE(C&M) for which he has already been applied, as there was no vacant post in case of Jr. Engineer (Production) at that time. It is denied that the action of the Commission is mala fide for not calling him for interview for the post of Jr. Engineer (Production) and that action has caused to him irreparable loss as alleged. It is also submitted that there is no industrial dispute exists between the second party workman and the first party. Mere not calling for interview does not mean he would succeed in the interview. Therefore he cannot claim that he should be promoted to the post of Jr. Engineer (Production) w.e.f. 17-7-1991 and he is not entitled to get any relief as prayed by him. Thus it is prayed that reference is deserved to be rejected with cost.

4. By Ex. 9, the second party has submitted list of documents. Mark 9/1 is the xerox copy of DO Letter No. MTN/OPG/P&A/GKP/JTP/91 dated 23-12-91.

Mark 9/2 is the copy of DO letter No. 11(2)/91-Rectt dated 6-1-92. Mark 9/3 is the copy of office order No. 23-1-1998-Estt./120 dated 3/6-12-88. Mark 9/4 is the copy of letter dated 4-3-82 from first party No. 2 to the conciliation officer, Mark 9/5 is the copy of office order dated 11-7-91 issued by the first party No. 2 appointing AT(P)'s and AT(F) to the post of Jr. Engineer (P). As there was no objection for the production of document and exhibition mark 9/1 to 9/5 are exhibited as Ex. 10 and Ex. 14 accordingly.

4(a) By Ex. 17, the second party has submitted further list of documents 17/1 is the copy of office order No. WR/PROM-BOOSG/97/dated 20-3-97.

5. By Ex. 5, application has been given by the second party for the production of certain documents from the first party. The Hon'ble Tribunal has passed the orders as per Ex. 15 on 20-8-97.

6. The first party has produced a list of documents by Ex. 8. Mark 8/1 is the copy of office order dated 25-4-80. Mark 8/2 is the copy of office order dated 28-1-1981. Mark 8/3 is the copy of office order dated 6-11-1987. Mark 8/4 is the list of departmental candidates for interview for the post of Jr. Engineer (P) dated 19/20-6-81, mark 8/5 is the copy of telex message. 8/6 is the despatch register of 5-6-91. 8/7 is the copy of page No. 88 of peon book. 8/8 is the copy of representation made by second party on 29-6-99. 8/9 is the copy of telex message. 8/10 is the copy of letter written by ONGC Union dated 30-6-91. Mark Ex. 11 is the copy of telegram dated 11-7-91. Mark 8/12 is the office order dated 15-7-88. This document was produced by the first party as per the demand of the second party. Hence it was allowed, to produce. By Ex. 18, the second party has submitted the details regarding Item No. 13 as per the order of the Tribunal.

7. By Ex. 20, the concerned workman has examined himself and by Ex. 21, Shri Rameshbhai R. Patel was examined as a witness to the second party. By Ex. 22, the second party has closed their evidence. By Ex. 23, the first party has closed their evidence.

8. Looking to the terms of reference and looking to the evidence, oral as well as documentary, following issues are to be decided for my consideration :

- (a) Whether the action of the management of ONGC through Regional Director and General Manager, Project, Mehsana refusing the claim of Shri G. K. Panchal for the selection to the promotional post of JE(P) from the departmental candidates by not intimating the interview date is justified, legal and proper?
- (b) If the action of the first party No. 1 & 2 are not justified, legal and proper, what relief are entitled by the concerned workman?
- (c) What direction should be given to the first party 1 & 2 regarding the relief?
- (d) What final order?

My answer to the above issues are as under, as per the reasons given below :

(a) No

(b) The workman is entitled to promotion for the post of Jr. Engineer (Production) from 17-7-91 i.e. the date his juniors were occupied that post.

(c) A direction be given to the first party No. 1 and 2 that the concerned workman Shri G. K. Panchal should be given deemed promotion from 17-7-1991 and give him all consequential benefit from that date.

(d) As per final order of the Award.

REASONS :

9. If we peruse the documents produced by the first party as per Ex. 8, it is very clear look into the documents of the list of departmental candidates for interview for the post of Jr. Engineer (Production) dated 19/20-6-1991, the name of the concerned workman Shri G. K. Panchal is at Sr. No. 39 and it was the duty of the first party to give him an interview call. However, the first party No. 1 and 2 has committed a mistake and he was not informed of such interview though he was qualified for that interview. Thus proper opportunity was not given to the concerned workman for the appearance in the interview. Thus the concerned workman had at the earliest approached the authority to consider his name on 29-6-1991. It is also clear that the concerned workman's application was forwarded and it was received by the first party No. 2 to the first party No. 1 and Dy. General Manager (P & A) ONGC, Baroda has also gathered the information from ONGC, Mehsana, whether the concerned workman was informed or not, vide document as per Ex. 8/5. Not only that the Union has also written regarding this incident on 30-6-1991 as per Ex. 10. Earlier Shri Panchal has been given the post of Jr. Engineer (Production) as per the order of the office of the General Manager, Hajira, Surat by their order No. OPS(HHR)20/12/88 dt. 6-1-93 and he has worked in that post from 22-8-1988 to 12-12-1988, but on account of extreme compassionate ground he sought his transfer to Mehsana Project of ONGC and joined to his original post of Jr. Technician (Production) at Mehsana on 13-12-1988. Thus there is no doubt that the concerned workman is qualified and has also previously selected and worked as Jr. Engineer (Production). Hence there were every chance of success in the interview if he was called for. Thus the action of the first party No. 2 by not informing the concerned workman for interview was unjust, illegal and improper and in violation of Article 14 and 16 of the Constitution. Looking to these facts it is clear that though his name appeared at Sr. No. 39 in the interview list he was not called by ONGC, Baroda for the post of Jr. Engineer (Production) because the first party No. 2 has not intimated the interview date to the concerned workman.

10. However, the concerned workman has submitted that on account of mala fide action of the first party No. 2, he was not informed with regard to interview for the post of Jr. Engineer (Production) held at ONGC, Baroda on 19-6-91 and 20-6-1991, but looking to the evidence it is clear that it was not a mala fide intention on the part of the first No.

1 but it was a great mistake committed by the first party No. 2, which has caused the concerned workman irreparable loss in the matter of status and subsequent promotion. Not only that the action of the first party No. 2 has also caused discontentment since his juniors who joined the service of the Commission in the year 1989 were holding the post of Asstt. Technician (Production)—a lower post than that of Jr. Technician (Production) were promoted to the post of Asstt. Engineer (Production) with effect from 1-1-1996. Thus the concerned workman will be stagnating at the post of chageman (production). Thus looking to this fact also it is necessary to give appropriate relief. The concerned workman by putting him on the post of Jr. Engineer (Production) with effect from the date when his junior Shri J. V. Patel at Sr. No. 40 was promoted to the post of Jr. Engineer (Production). Thus it is necessary that the concerned workman should be considered as promoted in the post of Jr. Engineer (Production) from the date when his junior Shri J. V. Patel was promoted and the concerned workman should be awarded all the benefits attached to the post of Jr. Engineer (Production) i.e. not later then 17-7-1991.

11. In the written statement the first party has admitted that the General Manager (P & A), Baroda has promised that the case of Shri G. K. Panchal will be considered against the post of JE(M) or JE(C & M) as there is no vacant post exist in the case of JE(P) at present. The concerned workman has no fault on his part and it was the fault of the first party and the concerned workman should not suffer for the mistake on the part of the first party and equity lies in favour of the concerned workman. Thus it is necessary to rectify the mistake committed by the first party. However, it is necessary to rectify the mistake as it has caused irreparable loss to the concerned workman. Thus it is necessary that the concerned workman should be deemed as promoted to the post of JE(P) because the intimation was not given by the first party to him. Looking to the above proposition I hereby pass the following order.

ORDER

The reference is allowed. The first party No. 1 and first party No. 2 are hereby directed that the concerned workman Shri G. K. Panchal should be given deemed promotion from the date when Shri J. V. Patel, his junior was promoted to the post of Jr. Engineer (Production) and he should be given all consequential benefits attached to that post from that date. The first party should implement this award within 60 days from the date of publication of the Award.

The first party No. 1 and 2 are also hereby directed to pay Rs 1,000 to the concerned workman towards cost of this reference.

Ahmedabad,

18th March, 2000.

B. I. KAZI, Presiding Officer

नई दिल्ली, 15 जनवरी, 2001

का.मा. 266.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार शक विभाग के प्रबन्धतंत्र के संवद्ध दिव्योक्तों और उसके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-2001 को प्राप्त हुआ था।

[सं. एम-40012/48/2000-आई.आर. (डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th January, 2001

S.O. 266.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Post and their workman, which was received by the Central Government on 15-1-2001.

[No. L-40012/48/2000-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 21st December, 2000

PRESENT:

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 31/2000

[In the matter of the dispute for adjudication under Section 10(1)(d) and Sub-section 2(A) of the Industrial Disputes Act, 1947 between the Workman and the Management of the Superintendent of Post Offices, Karaikudi Division.]

BETWEEN

Shri C. Chokanathan.

Claimant/I Party.

AND

The Superintendent of Post Offices,
Karaikudi Division.

Management/II Party.

APPEARANCES:

For the Workman: M/s. S. Jothivani, G. Jothi, R. Balagurusamy, Advocates.

For the Management: Shri M. Venkateswaran, Addl. Central Government Standing Counsel.

REFERENCE:

No. L-40012/48/2000/IR(DU) dated 07-07-2000, Government of India, Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 24-11-2000, upon perusing the reference, claim statement, counter statement and other material papers on record, the documentary evidence let in on either side and upon hearing the arguments of the counsel for the workman, Shri R. Balagurusamy and Shri M. Venkateswaran, Addl. Central Government Standing Counsel for the Management and this dispute having stood over till this date for consideration this tribunal passed the following:

AWARD

This reference by Central Government in the exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 in respect of dispute between Shri C. Chokanathan, Workman and the Superintendent of Post Offices, Karaikudi Division, mentioned as Schedule appended to the order of reference.

The Schedule reads as follows:—

"Whether the action of the management of Adhoc Disciplinary Authority and Assistant Supdt. of Post Offices, Madurai City, North Sub-Division, Madurai in removing Shri C. Chokanathan from services is justified? If not, to what relief the concerned workman entitled?"

On receipt of this reference, this industrial dispute has been taken on file of this Tribunal on 27-07-2000 as Industrial Dispute No. 31/2000. On receipt of the notice from this Tribunal, both the parties appeared with their respective counsel and filed their respective claim statement and counter statement.

2. The averments of the claim statement of the Workman/Party are briefly as follows:—

The first party/workman (hereinafter mentioned as the Petitioner) was appointed as extra departmental delivery agent/mail carrier at Kandamangalamapatti BO from 1973 to 1976. Subsequently he was appointed as extra departmental delivery agent at Singampuneri SO, Karaikudi South Sub-Division by the Asstt. Supdt. of Post Offices, Karaikudi Sub-Division. The Petitioner had rendered his services to the entire satisfaction of the superiors without any blemish. Disciplinary proceedings were initiated against the Petitioner and he was placed under put off duty by an order dated 11-09-1986 by the Sub-Postmaster, Singampuneri SO. The Petitioner was issued with a memo of charges dated 29-12-1986 by the Sub-Postmaster, Singampuneri SO. The charges alleged against the Petitioner are that while he was working as EDDA1, Singampuneri was entrusted the payment of MO No. 1335 dated 18-08-1986 of Thambaram Sanatorium for Rs. 100 and MO No. 1615 dated 25-08-1986 of R. S. Puram east for Rs. 500. Though the Petitioner returned these MP payee vouchers as paid on 19-08-1986 and 26-08-1986 respectively, he did not effected payments to the payees on the said dates. Further when the Petitioner was working as EDDA1, Singampuneri returned the MO No. 1335 dt. 18-08-1986 of Thambaram Sanatorium for Rs. 100 and MO No. 1615 dt. 25-08-1986 of R. S. Puram east for Rs. 500 as paid on 19-08-1986 and 26-08-1986 respectively but he did not obtain the payees signature namely S. Ayyavoo and Smt. Ranjitham to whom the MO should be paid and he himself fixed payees signatures in those said money orders, and that, while the Petitioner was working as EDDA1, Singampuneri, did not effect payment of money orders No. 1335 dated 18-08-1986 for Rs. 100 and MO No. 1615 dated 25-08-1986 for Rs. 500 of R. S. Puram east in the presence of witnesses which are to be paid at Mallikaripatti, Singampuneri. The Petitioner denied the charges and the Sub-Postmaster, Singampuneri SO, the appointing and disciplinary authority appointed an enquiry officer and presenting officer by his order dated 04-02-1987. During the preliminary enquiry the petitioner denied the charges on 05-06-1987. The Petitioner nominated a defence asstt. to assist him during the enquiry. During the enquiry on 21-08-1987, the Petitioner called for some additional documents to prove his case. During the enquiry conducted on 24-09-1987, the two prosecution witnesses deposed against the prosecution. The enquiry officer refused access to the additional documents called by the Petitioner stating that the disciplinary authority, the Sub-Postmaster, Singampuneri refused to give these additional documents called for on the ground of administrative reasons. During the further hearing on 05-10-87, the enquiry officer questioned the Petitioner on the circumstances appearing against him. The Presenting Officer submitted his brief on 22-11-1987. The enquiry officer submitted his report on 31-12-87. The Sub-Postmaster, Singampuneri SO imposed the punishment of removal from service by his order dated 25-01-1988. Before imposing that punishment the disciplinary authority has not furnished a copy of enquiry report to the Petitioner and called for his explanation. The said act of the disciplinary authority will amount

to violation of article 311(2) of the constitution of India. The Petitioner preferred an appeal before the Respondent. The Respondent instead of cancelling the order of punishment of removal from service passed by the disciplinary authority imposed the punishment of dismissal from service by his order dated 30-03-1988. Aggrieved by that order, the Petitioner preferred a review petition before the Director of Postal Services, Madurai Region on 29-05-1988. The said authority quashed the order of dismissal from service issued by the appellate authority as without jurisdiction under his order dt. 11-07-1988 and remitted the case to the adhoc disciplinary authority to consider the case afresh from the stage of finalisation of the case by the disciplinary authority, the sub-master, Singampuneri SO after the receipt of reports from the enquiry officer. The Postmaster General, Madurai Region appointed the Asst. Supdt. of Post Offices, Madurai City, North Sub-Division as an adhoc disciplinary authority to deal the case of the Petitioner. After considering the report of the enquiry officer, the said adhoc disciplinary authority by his order dated 12-09-1988 imposed the punishment of removal from service. The adhoc disciplinary authority has not furnished the copy of the enquiry officer to the Petitioner to submit his explanation. The Petitioner preferred an appeal before the Respondent dated 09-12-1988. But the Respondent rejected the appeal and confirmed the order of removal from service passed by the adhoc disciplinary authority. That order, is dated 16th December, 1988. Aggrieved by that order, the Petitioner preferred an application before the Honourable Central Administrative Tribunal, Madras in O.A. No. 946/1989. The Honourable Tribunal by its order dated 06-03-1991 was pleased to allow the application by setting aside the order of the Respondent dated 16-12-1988 and remitted the matter back to the adhoc disciplinary authority for fresh disposal according to law. Then the appellate authority Supdt. of Post Offices, Karaikudi Division by his order dated 05-07-1991 rejected the appeal confirming the penalty of removal from service imposed by the adhoc disciplinary authority. These orders of the authority are illegal, arbitrary and in violation of principle of natural justice. They are also in violation of article 311(2) of the Constitution of India. When the charge against the Petitioner that he had forged the signatures of the payees in the MO payee vouchers and misappropriated the MO amounts Rs. 100 and Rs. 500. The enquiry authority ought to have send the signatures for verification to expert evidence. The disciplinary authority placed his reliance on any unimpeachable evidence like handwriting and fingerprint experts evidence. During the enquiry, material evidence to prove the charges has not been placed before the enquiry officer. The prosecution witnesses deposed against the prosecution were not cross examined by the presenting officer. The charges levelled against the Petitioner were held as proved only on conjecture and surmises and not on any material evidence. A free and fair enquiry was not conducted by the enquiry officer. During the enquiry the Petitioner called for some additional documents to prove his innocence but he was not permitted to have access to the documents stating that the disciplinary authority, the Sub-Post Master, Singampuneri SO has denied the supply of documents stating administrative reasons. While placing a person under economic as well as civil death, the case against him has to be proved beyond doubt and based on authenticated material. Imposing the major punishment of dismissal from service on the pretext of preponderance of probabilities is without application of mind and in violation of the principles of natural justice. In view of the denial for having access to the additional documents called by the Petitioner, he has been hampered with to contest the case against him effectively and to put forth his defence effectively. The Petitioner preferred a review petition before the Post Master General, Madurai Region and the same was also rejected by him, by his order dated 19-06-1992. Aggrieved by that order, the Petitioner raised an Industrial Dispute before the Regional Labour Commissioner, Chennai for conciliation. Due to the failure of conciliation, the Ministry of Labour had made a reference of the Dispute of the Petitioner to this Honourable Tribunal for adjudication. Hence this Honourable Tribunal may be pleased pass an award, setting aside the order of the removal from service and thereby ordering for reinstatement with all attendant service and monetary benefits to the Petitioner.

3. The second party has filed the counter statement. The averments in the counter statement are briefly as follows:—

The II Party Management (hereinafter mentioned as the Respondent) admits that the Petitioner Shri C. Chokanathan has worked as the extra departmental delivery agent at

Singampuneri Post Office during 1986. He was not a regular employee of the department of posts, but was an extra departmental agent governed by Post and Telegraphs Extra Departmental Agents (conduct and service) rules, 1964. The Petitioner was placed under off duty by the Sub Post Master, Singampuneri with effect from 11-9-1986 under the provisions of rule 9 of P&T ED Agents (conduct and service) rules, 1964 while he was working as EDDA, Singampuneri. He was also issued with memo of charges as stated in the claim statement. The departmental enquiry was ordered and conducted in accordance with the rules. An enquiry officer to enquire him to the charges and the presenting officer were appointed on 4-2-1987. During the enquiry the Petitioner was given ample opportunity to defend himself. He was also permitted to appoint a defence assistant to defend the charges levelled against him on his behalf. Accordingly, he had defended the case with the assistance of the defence assistance of his choice. The enquiry officer in his report dated 31-12-87 had declared that all the charges mentioned in the memo of charges dated 29-12-1986 stood proved on preponderance and probabilities. The Sub Post Master, Singampuneri had ordered the removal of the Petitioner from service. On appeal by the Petitioner, the said order was set aside by the Supdt. of Post Offices, Karaikudi Division with the direction to forward the entire case to the appropriate authority. The Supdt. of Post Offices, Karaikudi Division issued a memo dated 30-3-1988, but on consideration of appeal from the Petitioner, the said order was set aside by the Director of Postal Services, Tamilnadu Circle by his order dated 11-7-1988 with the direction to remit the case to the disciplinary authority to conduct *denovo* proceedings from the stage of finalisation of the case by the appointing authority after receipt of report from the enquiry officer and to submit the proposal of appointment or adhoc disciplinary authority. In view of the action taken by the appellate authority and the Addl. PMG, Tamilnadu Circle on the disputed orders, the allegation of in position of two punishments stated in Para 7 of the claim statement is baseless and deserves no merit. The Asst. Supdt. of Post Offices, Madurai City, North Division was appointed as adhoc disciplinary authority. The said adhoc disciplinary authority in his memo dated 12-9-1988 ordered removal of the Petitioner from service. The said memo along with the copy of the enquiry report was delivered to the Petitioner. The Petitioner preferred an appeal and the same was rejected confirming the order of removal from service passed by the adhoc disciplinary authority. The application filed by the Petitioner before the honourable Central Administrative Tribunal in OA No. 946 of 89, the honourable Tribunal was pleased to remit the matter back to the Supdt. of Post Offices the Respondent herein for fresh disposal of the appeal of the Petitioner. Accordingly, the Respondent considered the appeal of the Petitioner afresh and rejected the same stating that the Petitioner was proved to have committed an act of lack of integrity. Then the Petitioner submitted a petition to the Post Master General, Southern Region, Tamilnadu Circle, Madurai on 19-2-1992. The same was rejected by the said authority on 9-6-1992. A disciplinary case of the Govt. servant is not a criminal case and the standard of proof required in such cases is that a preponderance of probability. The Deptt. of Post is not an industry and its employees are not workmen under the provisions of the Industrial Dispute Act in 1947. This view has been taken by the Supreme Court in civil appeal No. 3385-86 of 1996 arising out of SLP(C) No. 587-88 of 1992. The Petitioner was given ample opportunities during the departmental enquiries. The Petitioner was removed from service only after meticulously following the procedures prescribed in the P&T Extra Departments (conduct and service) rules, 1964 as his service conditions were governed by such rules only. The Petitioner has availed all the opportunities/channels for submission of appeals and petitions including Central Administrative Tribunal which were carefully considered and rejected by the competent authority. In view of these facts, it is prayed that this honourable Tribunal may be pleased to dismiss this dispute with cost.

4. When the matter was taken up for enquiry the counsel on either side represent that they have no oral evidence to let in. One document on the side of the Petitioner and ten documents on the side of the Respondent were marked by consent as Exhibits W1 and M1 to M10 respectively. On closure of the evidence on either side, the counsel on either side had advanced their arguments.

5. The Point for my consideration is :-

"Whether the action of the management or Adhoc Disciplinary Authority and Assistant Supdt. of Post

Offices, Madurai City, North Sub Division, Madurai in removing Shri C. Choranathan from services is justified? If not, to what relief the concerned workman entitled?"

POINT :

The learned counsel for the Respondent has put forth an initial argument stating that this Tribunal may not have jurisdiction to adjudicate this dispute in view of the fact that the Postal Deptt. cannot be considered to be an industry under Section 2(j) of the Industrial Dispute Act, 1947 and the provisions of Section 25(f) of that Act cannot be invoked. For this argument the learned counsel for the Respondent has relied upon the decision of the Supreme Court in Civil Appeal No. 5385-86 of 1996 arising out of SLP(C) No. 587-88 of 1992 known as Theyyam Joseph's case (1996) 8 SCC 489 and the decision of the Madras High Court in Writ Petition No. 11099 of 1988. In both these cases, the Honourable Supreme Court as well as the Honourable High Court of Madras has held that the Postal Deptt. is not an industry as per the Industrial Disputes Act. He has also relied upon another judgement of Supreme Court reported as 1998 Supreme Court cases (L&S) 1535 in Civil appeal No. 6682 of 1997 decided on 26-9-1997 following the decision of the Supreme Court in (1996) 8 SCC 489 Theyyam Joseph's case, holding that Post Office is not an industry under Section 2(j) of Industrial Disputes Act. All these decisions of the Supreme Court as well as the High Court were overruled by the Supreme Court by its judgement reported as AIR 1988 Supreme Court 656. In that judgement dated 18-11-1997, the Honourable Supreme Court was pleased to hold that the decision in Theyyam Joseph (1996) 8 SCC 489 and Bombay Telephone Canteen Employees Association, AIR 1997 SC 2817 cannot be treated as laying down the correct law. Under such circumstances, the arguments advanced by the learned counsel of the Respondent that Postal Deptt. cannot be considered as an industry under Section 2(j) of the Industrial Disputes Act, is an incorrect one, any can not be accepted.

6. It is admitted that the Petitioner Sh. C. Chokanathan was appointed as an Extra Departmental Delivery Agent/Mail Carrier at Kandamangalampatti BO and subsequently he was appointed as EDDA at Singampuneri Post Office during 1986. It is not disputed that the Petitioner was governed by Post & Telegraphs Extra Departmental Agents (Conduct & Service) Rules 1964. It is also admitted that on the initiation of disciplinary proceedings against the Petitioner, he was placed under put off duty by an order dt. 11-09-86. The xerox copy of the same is Ex. W1. For the misconduct of the Petitioner, disciplinary proceedings were initiated by the Sub-Postmaster, Singampuneri and the copy of the memo dt. 29-12-86 with the articles of charges and the list of documents was issued to the Petitioner is Ex. M1. Ex. M2 is the xerox copy of the Enquiry Report dt. 31-12-87 submitted by the Enquiry Officer. In that report, he has given the finding that the charges said in the articles I, II and III stand proved on preponderance of probabilities. It is the contention of the Petitioner, that the disciplinary authority, appointed an Enquiry Officer and a Presenting Officer and during the preliminary enquiry, he denied the charges. He had the assistance of nominated defence assistance during the enquiry. The Enquiry Officer on the circumstances appearing against him as stated in the charges questioned him and he denied those charges. It is his grievance that a free and fair enquiry was not conducted and the Petitioner was not permitted to have access to the additional documents he called for during the enquiry to prove his innocence and he was denied the supply of the said documents stating the administrative reasons. It is his further contention that on the basis of the Enquiry Report submitted by the Enquiry Officer, the disciplinary authority imposed a major punishment of removal from service without furnishing the copy of the Enquiry Report and affording an opportunity to put forth his representation and that the disciplinary authority has not placed his reliance on any unimpeachable evidence. Further the disciplinary authority had imposed the major punishment on the pretext of preponderance of probability without application of mind and it is a violation of the principles of natural justice. Hence the action of the disciplinary authority is illegal and arbitrary. The appeal and revision were also dismissed by the authority without applying their mind. Ex. M2 is the copy of the Enquiry Report. The perusal of the same along with the xerox copy of the document pertaining to this enquiry as petitioner's

xerox copies of documents, under Sl. No. 3 to 19 clearly shows that the delinquent employee (i.e.) the Petitioner herein, was given an opportunity to defend his case in the enquiry and he took part in the enquiry duly assisted by a defence assistant and for every day's proceedings of the Enquiry Officer he has subscribed his signature in all the pages of day to day proceedings. The perusal of these documents daily order sheets, deposition of the witnesses clearly shows that a fair and proper enquiry was conducted by the Enquiry Officer in the presence of the Petitioner and he has also cross-examined the witnesses examined on the side of the Department. All these facts and the available evidence were duly considered by the Enquiry Officer and he has given reasons for his findings. He has stated clearly in his Enquiry Report Ex. M2. The Enquiry Officer in his report has clearly stated that the documents cited as additional documents by the Petitioner were of letter of PWs 1 and 3 with dt. 28-07-87 whereas the incidents of charges were related to the period August 1986. Hence there is no possibility of those letters containing any truth related to this case. Finally he has stated in his report that "The facts furnished in the imputations of charges of putting the signatures of the payees and those of witnesses by the charged official himself, non payment of M.O. amount on the dates shown as paid have all been totally admitted by the payees and the charges official. Only during the enquiry all have turned and deposed against their own version which exposes the human sympathy on the charged official and the natural tolerance and perseverance of the rural mass". He has further stated that the charges stand proved on preponderance of probabilities.

7. The appellate authority and the authority who decided the revision preferred by the Petitioner have upheld the findings of the Enquiry Officer in his report and confirmed the punishment imposed by the disciplinary authority against the Petitioner. A perusal of the documents filed in this case on either side clearly shows that there are sufficient oral and documentary evidence available for the Enquiry Officer to come to the proper conclusion that the charges imputed against the Petitioner are proved. It is not the contention of the Petitioner that the Enquiry Officer was inimical against him or biased. From the available records and materials in this case, it is seen that the authorities from the inception of the departmental enquiry to the conclusion of all the proceedings against the Petitioner have followed the rules and provision of law correctly and they never failed to correct the procedure when it was mistakenly followed. Further it is seen that the Petitioner was given proper and sufficient opportunity to put forth his representation on all stages and he was not deprived of his due right to explain his stand on every stage of the proceedings all through. As it is argued by the learned counsel for the Respondent and stated by the authorities that this is not a criminal case, where the charges have to be proved beyond all reasonable doubt, and this being a departmental enquiry, preponderance of probabilities are sufficient to have the charges proved. In this case there are enough materials available as records and evidence to show that the Enquiry Officer has given the correct finding in his report after conducting the fair and proper enquiry, following the principle of natural justice. So the argument of the learned counsel for the Petitioner that the charges levelled against the Petitioner were held as proved only on conjecture and surmises and not on material evidence is incorrect and fallacious. Under such circumstances there is no scope for this Tribunal to interfere with the findings of the Enquiry Officer in his report Ex. M2, on the ground that it is perverse and not supported by any evidence.

8. It is argued by the learned counsel for the Petitioner that the disciplinary authority has imposed the major punishment of dismissal from service on the basis of the findings given by the Enquiry Officer in his report on preponderance of probabilities, without application of mind. A perusal of the order dt. 12-09-88, Ex. M6, by the adhoc disciplinary authority, the order dt. 16-12-88, Ex. M7, by the appellate authority and again by the order dt. 5-7-91, Ex. M9 by the appellate authority afresh, as per the order of the Central Administrative Tribunal, Madras under Ex. M8 clearly show, that they after applying their mind, have arrived at the proper conclusion on the ground that the Petitioner is proved to have committed an act of lack of integrity and they do not consider the Petitioner a fit person to be retained in Government service. They also observed that the act of the Petitioner has tarnished the image of the department.

Under such circumstances it can not be held that the punishment imposed by the adhoc disciplinary authority and Asst. Supdt. of Post Offices, Madurai City, North Sub Division, Madurai in removing Sh. C. Chockanathan from service is not proportionate to the gravity of the misconduct and excessive and they have done so vindictively. So it can be held that it is a justified action and hence the concerned workman is not entitled to any relief. Thus I answer the point accordingly.

9. In the result an award is passed holding that this I Party/ Workman Sh. C. Chokanathan is not entitled to any relief, since the action of the Management/II Party taken against him in removing from service is justifiable. No cost.

Dictated to the Typist, typed by her direct, corrected and pronounced by me in open court on this day the 21st December, 2000.

K. KARTHIKEYAN, Presiding Officer

WITNESSES EXAMINED:

On either side: None.

DOCUMENTS MARKED:

FOR CLAIMANT:

Ex. W1 11-09-86: Xerox copy of the put-off duty order.

FOR MANAGEMENT:

Ex. M1 29-12-86: Xerox copy of Memo No. DA/I/CC as Annexure 'B' issued by Sub Postmaster, Singampuneri.

Ex. M2 31-12-87: Xerox copy of the Inquiry Report against I Party as Annexure 'C'.

Ex. M3 14-03-88: Xerox copy of Memo No. APP/3/87/88 as Annexure 'D' issued by Supdt. of Post Offices, Karaikudi Division.

Ex. M4 11-07-88: Xerox copy of Memo No. STB/15-164/88/MA as Annexure 'E' issued by Director, Postal Services O/o Additional Postmaster General, Chennai.

Ex. M5 03-08-88: Xerox copy of Memo No. STB/6-3/88 as Annexure 'F' issued by Additional Postmaster General, Chennai.

Ex. M6 12-09-88: Xerox copy of Memo No. INQ/1/88 as Annexure 'G' issued by Asst. Supdt. of Post Offices, Madurai City North Division.

Ex. M7 16-12-88: Xerox copy of Memo No. AP/88-89 as Annexure 'H' issued by Supdt. of Post Offices, Karaikudi Division.

Ex. M8 06-03-91: Xerox copy of order an Annexure 'I' passed by Hon' Central Administrative Tribunal, Madras Bench on OA No. 946 of 1989.

Ex. M9 05-07-91: Xerox copy of Memo No. APP/13/91 as Annexure 'J' issued by Supdt. of Post Offices, Karaikudi Division.

Ex. M10 19-06-92: Xerox copy of Memo No. STB/16-2/92/MA as Annexure 'K' issued by Postmaster General, Southern Region, Madurai.

नई दिल्ली, 15 जनवरी, 2001

का.मा. 267.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सो.सो.एल. के प्रबंधन के संबंध नियो-जकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-1, घनबाव के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-12-2000 को प्राप्त हुआ था।

[सं.एल.-20012/56/93-आई.आर.(सी-I)]

एस.एस. गुप्ता, धवर सचिव

New Delhi, the 15th January, 2001

S.O. 267.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No.-1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCC Ltd., and their workman, which was received by the Central Government on 29-12-2000.

[No. L-20012/56/93-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

No. Ref. 141/94/Dated, the 21st December, 2000.

Subject : Award passed in Reference No. 141 of 1994 dated the 7th November, 2000—Employers in relation to the management of Kuya Colliery of M/s. BCCL and their workman—Ministry's Order No. L-20012-(56)/93-IR(Coal-I) Dt. 30-5-94.

CORRIGENDUM

In the list of workmen annexed to the Award passed in Reference No. 141 of 1994 dated 7-11-2000 the names of the workman may be read as given in Column IV below instead of the names as given in Column III, as per Ministry's Corrigendum No. L-20012/56/93-IR(C-I) dated 6-1-2000.

Sr. No. of No the list	Name as in the list	Correct Name	
1	2	3	4
1.	2.	Nidhilal Manjhi	Mihilal Manjhi
2.	6.	Kapura Bavarin	Kapura Bourin
3.	7.	Badri Bavarin	Adari Bouri
4.	8.	Baisakhi Bavarin	Baisakhi Bouri
5.	10.	Shoshti Bavari	Shoshti Bouri
6.	11.	Kishan Bavari	Kishan Bouri
7.	12.	Bachoni Bavari	Aghani Bouri
8.	18.	Nepal Bavari	Nepal Bouri
9.	35.	Sufal Bavari	Sufal Bouri
10.	37.	Anil Bavari	Anil Bouri
11.	38.	Aditya Kumarda	Aditya Kumar Dan
12.	51.	Brahmadeo	Brahmadeo Bhuiya
13.	62.	Kali Bavari	Kali Bouri

Sd/—

SARJU PRASAD, Presiding Officer

नई दिल्ली, 15 जनवरी, 2001

का. प्रा. 268.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबंधकों के संबंध में उनके कर्मचारियों के बीच, अनुबंध में

निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-1-2001 को प्राप्त हुआ था।

[सं. एल-20012/(271)/89-आई प्रार (सी-I)]

एस. एस. गुप्ता. अवर सचिव

New Delhi, the 15th January, 2001

S.O. 268.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C. Ltd. and their workman, which was received by the Central Government on 9-1-2001.

[No. L-20012/(271)/89-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 50 of 1991

PARTIES:

Employers in relation to the management of Rajhara Colliery of M/s. C. C. Ltd.

AND

Their Workmen.

PRESENT:

Shri Sarju Prasad, Presiding Officer.

APPEARANCES:

For the Employers: Shri B. Joshi, Advocate.

For the Sponsoring Union No. 1: Shri D. Mukherjee, Advocate.

For the Sponsoring Union No. 2: Shri R. N. Ganguly, Advocate.

For the Workmen: Shri S. Bose.

STATE: Jharkhand.

INDUSTRY: Coal.

Dated, the 22nd December, 2000

AWARD

By Order No. L-20012(271)/89-IR(Coal-I) dated the 29th April, 1991 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the demand that Shri Jirwa Nonlain and 287 other Casual Wagon Loaders indicated in the Annexure be regularised in the service of the management of Rajhara Area of Central Coalfields Limited is justified? If so, to what relief are the concerned workmen entitled and from what date?"

2. The brief facts; giving rise to this industrial dispute is that the concerned persons as per list annexed to the reference order are the casual wagon loaders at Rajhara Colliery. The loading of coal in wagons/trucks has been prohibited to be done by contract labourers. Prior to 1983 all the concerned persons were working under the Contractor, Surat Pandey in the job of wagon/truck loading right from the time when colliery was under the private management. This colliery was nationalised with effect from 1-5-1973 under Non-Coking Coal Mines (Nationalisation) Act, 1973, but the concerned persons were not regularised under the employment of

M/s. C.C. Ltd. after nationalisation of the said coal mine although they were working under the contractor prior to nationalisation. Subsequently, loading of coal has been declared a prohibited job prohibiting employment of contract labour in the year 1975 under the Contract Labour (Regulation and Abolition) Act, 1970. Yet they were working as wagon loaders under a private contractor. There was agitation and an industrial dispute was raised by the trade unions before the A.L.C.(C), Hazaribagh and there was a settlement on 13-8-1983 in which it was agreed that all the 311 wagon loaders for whose regularisation the dispute was raised will be taken on the roll of the company with effect from 1-9-1983 as casual wagon loaders. As per that agreement the concerned persons have been enrolled as casual wagon loaders. According to the sponsoring union although the work is of permanent nature and each and every concerned persons have put in more than 240 days attendance in a calendar year, but they are being treated as casual wagon loaders and thereby they are not being provided as all the benefits of permanent workmen of the company. They are denied many benefits which a permanent workman is entitled to. According to the sponsoring union, the concerned persons are working since 1-9-1983 as casual wagon loaders in the roll of the company, but they have not been regularised as permanent workmen in spite of the fact that the work of wagon loading is a permanent nature of job.

3. The dispute was again raised for regularisation of the concerned workmen as permanent workmen which ended in failure, but the appropriate Government was pleased to not refer the dispute for adjudication. Thereafter, writ-petition was filed by the sponsoring union and as per order of the Hon'ble High Court the present dispute has been referred to this Tribunal.

4. The case of the management is that the concerned workmen have been enrolled on the roll of the company as casual wagon loader on the basis of Tri-partite Settlement between the management and the three trade unions. Of course in the first settlement the union leaders of the sponsoring union were present but they did not put their signatures. However, subsequently they have signed another settlement to the effect that 311 persons would be enrolled as casual wagon loaders and they will get job whenever the Railways provide wagons for loading of coal in the wagons. Therefore, according to the management the present reference is bad and is not maintainable. Their further plea is that the wagon loading job is of casual nature which depends upon supply of wagons by the Railway and it is so erratic in a week only two or three days work is there for loading of coal or sometime only three or four days in a week. Therefore the job is of casual nature and it is not possible for the company to keep on roll permanent workmen for doing the job of wagon loading. According to them, Rajhara Colliery is running a loss of eight crores per annum and therefore it is not possible for the company to make all the concerned persons permanent and keep an idle work force. In these circumstances the management has prayed to pass an award against the sponsoring union.

5. From the pleadings of the parties it is apparent that it is admitted case of the parties that the concerned persons are the casual wagon loaders doing the job of wagon loading and their names find place on the roll of the company. It is also admitted that the wagon loading job is a prohibited category of job in which contract labourers cannot be engaged since after the year 1975. Thus, we find that the relationship of employers and employees between the management and the concerned persons exists and the concerned persons must be deemed to be workmen of the management of Rajhara Colliery. It is a settled principle of law that if the management engages any contractor for doing prohibited category of job in which engagement of contractor has been abolished under the Contract Labour (Regulation and Abolition) Act, 1970 then such workmen shall be deemed to be workmen of the management and if such workmen have worked for more than 240 days in a calendar year on the surface of a mine then such workmen are entitled for regularisation as permanent workmen of the company.

6. Let us see whether the concerned persons deserve to be regularised as permanent workmen; then from which date and what relief they are entitled to?

FINDINGS

7. The management has brought on record the settlement dated 6-9-1995 between the management and the union leaders in which the sponsoring union was also a party. From this settlement it appears that on 13-8-83 there was a settlement for departmentalisation of 412 casual wagon loaders employed by Surat Pandey and Sons engaged in wagon loading at Rajhara Colliery in which it was decided to regularise 311 persons and to refer the dispute of 101 persons to the Arbitration of Bindeshwari Dubey and Chaturanand Mishra, but that arbitration never took place. As per the settlement out of 311 persons, only 283 persons were found medically fit who were enrolled as casual wagon loaders and it was further decided that another list of 245 casual wagon loaders will be maintained over and above the strength of 283 casual wagon loaders as maintained by the settlement of August, 1983 and their service is to be utilised in case of necessity only. This agreement is Ext. M-2. The management has also filed another record notes of discussion held on 11-6-1988 between the management representatives and union leaders including the sponsoring union, Ext. M-3, by which the modalities of implementation of earlier settlement was discussed. Besides this, the management has examined two witnesses to show that wagon loading is of casual nature. But MW-1 S. K. Sinha has admitted that prior to his posting at Rajhara Colliery he was posted as Asstt. Manager at Sounda Colliery where he was in charge of loading at loading side and in that colliery also there was 300 to 400 permanent workmen doing the job of wagon loading and truck loading. Similarly at Tapin North Colliery there more or less 250 workmen engaged on the job of coal loading in trucks. He has admitted that he cannot say if the concerned persons had worked for more than 240 days in a calendar year. The management has not produced Attendance Register to show that the concerned persons who are admittedly on the roll of the company as casual wagon loaders have not performed 240 days work in a calendar year. Therefore, the presumption will be that the management has not produced the Attendance Register only because had it produced the Attendance Register it would have established that the concerned workmen had worked for more than 240 days in a calendar year and thereby they are entitled for regularisation as permanent workmen.

8. The sponsoring union has examined Indradeo Noonja, one of the concerned workmen, who has come to say that he alongwith others have performed work for more than 240 days in a calendar year as wagon loaders. They have also examined Satpal Verma as WW-1 who was President of Rajhara Colliery Mazdoor Sangh. The sponsoring union and he too have said that the concerned workmen have been working as contract labour right from the time of private owner and they have put in attendance for more than 240 days in a calendar year. They have also filed certain papers. Ext. W-1 is settlement dated 13-8-1983 by which the management has agreed to take on roll of the company 311 persons as casual labourers. Ext. W-2 is a statement prepared by WW-2 Satpal Verma showing the placement of rake in Rajhara Colliery in different years and Ext. W-3 is the attendance of wagon loaders prepared by him. Ext. W-4 is a letter addressed to A.L.C.(C), Ranchi, raising the dispute and Ext. W-5 is the failure report. Ext. W-6 is the letter of Kamla Singh to the Ministry of Labour requesting to refer the dispute. Ext. W-7 is the letter of appropriate Government refusing to refer the dispute. Ext. W-8 is the order of Hon'ble High Court passed in CWJC No. 585/90(R) by which the writ petition was permitted to be withdrawn. Ext. W-9 is the order of the Hon'ble High Court passed in CWJC No. 1786/90(R) by which the appropriate Government has been directed to refer the dispute. Exts. W-10 and W-11 are the lists of office bearers of Rajhara Colliery Mazdoor Sangh. Thus, from the materials on record, I find that the concerned persons have been working as casual wagon loaders from 1-9-1983 and they have put in 240 days attendance in each calendar year which has not been disproved by the management by producing attendance register, therefore they are entitled for regularisation as permanent workmen in piece-rated job from the date of reference i.e. 29-4-1991, but considering the fact that Rajhara Colliery is running in loss they will not get difference of back wages. However, they shall be entitled for continuity of service from the aforesaid date i.e. 29-4-1991 for the purpose of gratuity and other benefits.

9. In the result, I render—

AWARD

That all the concerned persons except those who have since died or have superannuated due to attaining the age of 60 years be regularised as permanent workmen with effect from 29-4-1991 without back wages within 30 days from the date of publication of the award failing which the concerned workmen shall be entitled for claiming wages of piece-rated workmen of appropriate category from the date of award. They shall also be entitled for continuity of service for the purpose of calculation of gratuity and other benefits.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 15 जनवरी, 2001

का. अ. 269.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनबाद के पंचाट क प्रकाशित करती है, जो केन्द्रीय सरकार को 9-1-2001 को प्राप्त हुआ था।

[सं. एल-20012/(377)/91-आई आर (सी-1)]

एस. एस. गुप्ता, अव्वर सचिव

New Delhi, the 15th January, 2001

S.O. 269.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C. Ltd. and their workman, which was received by the Central Government on 9-1-2001.

[No. L-20012/(377)/91-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 28 of 1992

PARTIES:

Employers in relation to the management of Loyabad Coke Plant of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT:

Shri Sarju Prasad, Presiding Officer.

APPEARANCES:

For the Employers: Shri B. Joshi, Advocate.

For the Workmen: Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE: Jharkhand

INDUSTRY: Coal

Dated, the 26th December, 2000

AWARD

By Order No. L-20012(377)/91-I.R. (Coal-I) dated the 26th March, 1992 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the demand of the Bihar Colliery Kamgar Union for regularisation of Shri Sunder Dusadh and

26 others on the roll of Loyabad Coke Plant of M/s. B.C.C. Ltd. is justified? If so, to what relief the workmen are entitled?"

2. The brief facts; giving rise to this industrial dispute is that the sponsoring union i.e. Bihar Colliery Kamgar Union had made a demand for regularisation of Sunder Dusadh and 26 others on the roll of Loyabad Coke Plant of M/s. B.C.C. Ltd. on the ground that they have been working in the permanent nature of job since long under the direct control and supervision of the management of M/s. Loyabad Coke Plant, but they are being paid less wages than the wages prescribed under NCWA and wages are being disbursed in the name of an intermediary who does not control the supervision of work of the concerned persons. As a matter of fact they are the workmen of the management, but in order to camouflage the matter paper arrangement has been made by the management to treat them labourers of an intermediary. On the basis of demand made by the sponsoring union conciliation proceeding took place before the A.L.C. (C), Dhanbad, who submitted failure report, then the present dispute has been referred to this Tribunal to adjudicate upon the matter.

3. The management has admitted that the concerned persons are working in the job of breeze cleaning under a contractor, Muslim Mian but since the contractor was not paying them proper wages there was agitation and it was agreed upon by the management as well members of the sponsoring union that the concerned persons will form a Co-operative Society and the contract shall be awarded to the said Co-operative Society. In pursuance to that the concerned persons formed a Co-operative Society, namely, Kamgar Shramik Sahayog Samitee Ltd. and Hiralal Paswan, one of the concerned persons is the Secretary of the said Co-operative Society. The management of Loyabad Coke Plant manufactures hard coke and bye products by feeding raw coal after crushing into the coke ovens. After completion of manufacturing process, the coke is pushed from the coke ovens on to the surface for the purpose of quenching the same with the help of pumped water. In quenching the same, coke breeze; produced in the process of manufacture of coke and quenching of the same; is allowed to flow along with the water and settle on the small tanks constructed for that purpose. When the tanks get filled up then the coke breeze is cleaned once or twice in a week from the settling tank through contract workers. Thus the work is of intermittent nature and casual one, and the contractor is being paid at the rate of Rs. 30 per cft. for removal of the coke breeze from the settling tanks. According to the management, the work does not need so many labourers, rather the contractor used to engage only 4 to 5 workers for cleaning a breeze from the settling tanks and that also not in all the days in a week, rather, twice or thrice a week. Thus, all the concerned persons are not required to be engaged at a time, rather only 4 or 5 persons are required to be engaged that also twice or thrice in a week and therefore the demand of the sponsoring union for regularisation of all the 27 persons is not justified because the management does not require such a large number of work force. According to them in order to benefit all the members of the Co-operative Society the Co-operative Society used to engage 4 or 5 persons by rotation whenever necessary for cleaning breeze from settling tanks was there. Thus, this work is not of a permanent nature and all the concerned persons are not required to be engaged at a time. According to the management they have worked a very short period of time in a calendar year and therefore the management does not require engagement of all the concerned persons. Accordingly, the demand of the union is not justified. However, the sponsoring union has submitted that all the concerned persons have worked for more than 240 days in a calendar year and in order to prove this fact they have filed a petition calling for the Attendance Register from the management which the management did not file.

4. Thus, from the pleadings of the parties it is admitted that all the concerned persons are working under a Co-operative Society in the job of breeze cleaning which according to the management is of casual nature but according to the sponsoring union the job is of permanent nature. Although the sponsoring union have asserted that the concerned persons are directly being controlled and supervised

by the management of Loyabad Coke Plant, but the management has asserted that they are the contractor's workers. Keeping in view the pleadings of the parties the point for decision is:—

- (i) Whether the concerned persons are really a Contractor's workers or the management has tried to camouflage the issue by branding them as contractor's workers?
- (ii) Whether the job which the concerned persons are performing, is of a permanent nature and their attendance was more than 240 days in a calendar year?

FINDINGS

5. Point No. (i) The management in order to show that they are contractor's workmen has filed two work orders, Ext. M-2 and M-2/1 to show that a work order was issued in the name of Muslim Mia for cleaning settling tanks and throwing excavated breeze at a reasonable distance. This order is dated 28-3-86. The second work order is dated 20-9-89. This was also for cleaning of breeze of settling of Loyabad Coke Plant on contract basis to M/s. Kamgar Shramik Sahayog Committee Ltd. They have also filed one joint application filed on behalf of Janardan Ram and 10 others stating that they are not being paid by the Contractor, Muslim Mia, therefore they may be paid wages in the counter of the office of Loyabad Coke Plant. (Ext. M-3). Ext. M-4 is the settlement between the management and union representatives by which the contract was agreed to be awarded to the Co-operative workers. Ext. M-5 is the letter of Co-operative Society showing the election of office bearers and its resolution taken by the Samitee. Ext. M-6 series are the membership receipts of the concerned persons showing that they are the members of the Society and Ext. M-1 is the wage-sheet showing that the concerned persons are being paid as Co-operative workers. The management's witness MW-1—S. N. Ghosh—has said that the concerned persons are the Co-operative workers whereas WW-1—Hiralal Paswan—has said that on the suggestion of the management they have formed Co-operative Society and actually he is one of the workers who works under the control and supervision of the management. The management has not filed any registration certificate to show that the management has got its establishment registered for engagement of contractor as required under Contract Labour (Regulation & Abolition) Act. They have also not filed any document to show that actually the alleged Co-operative Society is a licensee under Contract Labour (Regulation & Abolition) Act. Thus I find that neither the establishment of the management is registered for engagement of contract labour nor the so-called contractor, i.e., Kamgar Shramik Sahayog Committee Ltd. is a licensee under the Contract Labour (Regulation & Abolition) Act, 1970. therefore, in view of the settled principle of law by the Hon'ble Supreme Court, it must be said that the concerned persons are the workmen of the management and the arrangement made by the management is nothing but to camouflage the real issue. On lifting the veil it is crystal clear that the concerned persons are working under the direct control and supervision of the management and so called Secretary of the Co-operative Society is also a workman who works with other persons under the direct control and supervision of the management. Therefore, I find that the concerned persons are the workmen of the management. Accordingly this point is decided.

6. Point No. (ii).—W.W.1—Hiralal Paswan who is one of the concerned workman has come to say that the work which they perform is of permanent nature, they do their duty daily for 8 hours and besides the cleaning of breeze settling tanks they are also entrusted with other work like to work with the helper of the electrician or the cleaning work whenever it is required. In order to show that they are also engaged by the management in different work they have filed a register of work allotment, Ext. W-1 from which it appears that besides the breeze cleaning job the concerned persons have engaged for other work also. This wit-

ness has further stated that he along with other persons have worked more than 240 days in a calendar year, but the management's witness MW-1—S. N. Ghosh, Manager of Loyabad Coke Plant has come to say that breeze cleaning job is very much casual in nature. He has given size of the settling tanks and has stated that there are three breeze settling tanks in the Plant. First two tanks are required to be cleaned twice in a month and the third tank is required to be cleaned twice in a year. But his statement is contrary to the written statement of the management. In the written statement the management has taken plea that settling tank is required to be cleaned thrice or fourth times in a week. Furthermore, the management has filed a work order, Ext. M-2/1 from which it appears that the work order is for a period from 24-7-1989 to 31-3-1990 i.e. for a period of 8 months & 7 days in which it has been mentioned that volume of work will be 1,37,909.07 cft and the rate of cleaning will be Rs. 30 per cft. That means the volume of work for 8 months and 7 days is for more than Rs. 40,00,000. The management has filed wage-sheet to show that the concerned persons were getting wages at the rate of Rs. 20.50 paise per day. That means if all the 27 persons work in average 20 days in a month then for a period of 8 months and 7 days their wages will be nearly Rs. 9,000 only. Thus, it is clear that the management is showing expenditure of Rs. 40,00,000 for doing the job of breeze cleaning whereas if all these 27 persons work for 20 days in a month approximately then their wages will be below one lakh. Therefore from the own document of the management their claim appears to be false. The breeze cleaning work is required to be done only three times or four times in a week and is casual nature is falsified. Furthermore, the sponsoring union has filed an application for directing the management to produce the Attendance Register of the concerned persons which they did not file nor they have given any explanation for not filing the same. Therefore non-filing of the Attendance Register also goes to show that the management has withheld the same because if the same would have been produced then the claim of the concerned persons for having worked for more than 240 days would have been clearly established. Thus, I find that the claim of the management that the breeze cleaning job is of temporary nature job is falsified. On the other hand, there is material to presume that the said work is of permanent nature which support the claim of the concerned persons that they have worked for more than 240 days in a calendar year. Thus, this point is decided in favour of the sponsoring union.

7. From the discussions made above, I find that the demand of the sponsoring union for regularisation of the concerned persons in the permanent roll of Loyabad Coke Plant is fully justified.

8. Accordingly I render—

AWARD

That the demand of the sponsoring union for regularisation of Shri Sunder Dusadh and 26 others as per list annexed to the reference order on the roll of Loyabad Coke Plant of M/s. B.C.C. Ltd. is justified and the concerned persons are entitled to wages prescribed under NCWA. But considering the financial condition of M/s. B.C.C. Ltd. there will be no order as to back wages. The management is directed to regularise the concerned persons within 30 days from the date of publication of the award failing which they shall be entitled to claim wages as per NCWA.

SARJU PRASAD, Presiding Officer.

नई दिल्ली, 17 जनवरी, 2001

का. आ. 270.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स जेट एयर लिमि. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-1-2001 को प्राप्त हुआ था।

[सं. एल-11012/50/97-आई आर (सी-I)]

एस. एस. गुप्ता, अव्वर सचिव

New Delhi, the 17th January, 2001

S.O. 270.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Jet Air Ltd. and their workman, which was received by the Central Government on 16-1-2001.

[No. L-11012/50/97-IR(C-I)]
S.S. GUPTA, Under Secy.

अनुबन्ध

समक्ष श्री केशव शरण श्रीवास्तव : पीठासीन अधिकारी :

केन्द्रीय सरकार औद्योगिक अधिकरण : नई दिल्ली

श्री. वि. सं. : 219/98

जनरल सेक्रेटरी,

सेन्टर सेक्रेटरियेट,

जेट एयर, ग्रुप आफ कम्पनीज, एम्पलाइज यूनियन,

केयर आफ 1-ए, राम नगर, नई दिल्ली-55

बनाम

डायरेक्टर, जेट एयर हाउस, 13, कम्प्युनिटि सेन्टर,

यमुफ सराय, नई दिल्ली-110001।

उपस्थित : श्री भूपिन्दर सिंह अधिकृत प्रतिनिधि प्रबन्ध तंत्र की ओर से।

कर्मकार की ओर से कोई उपस्थित नहीं हुआ।

अधिनियम

केन्द्रीय सरकार के श्रम मंत्रालय के आदेश संख्या ए. एल. सी. 11/8(28)/97 दिनांकित 28-10-98 के अंतर्गत धारा 10(1)(घ) व (2क) निम्नलिखित विवादास्पद प्रश्न के न्यायनिर्णय हेतु निर्देशित किया है :

“क्या कर्मचारी संगठन की निम्नलिखित मांगें उचित एवं न्यायसंगत हैं :—

(1) कर्मचारियों को पेट्रोल की कीमतों की बढ़ती की पूर्ण प्रतिपूर्क मुद्राशुल्क दिया जाए, एवं

(2) कर्मचारियों को जुलाई 1986 से रु. 1000 प्रतिमाह सवारी रख रखाव भत्ता दिया जाए तथा

इस संबंध में क्या निर्देश आवश्यक हैं ?”

2. वाद के पंजीकृत करने के पश्चात श्रमयाक्ष को दिनांक 9-11-98 के आदेश द्वारा अपने लिखित अधिवक्ता विवरण हेतु नोटिस जरिये रजिस्ट्री डाक किसी भी निर्धारित तिथि पर उपस्थित नहीं हुआ। प्रबन्ध तंत्र की ओर से केवल अधिकृत प्रतिनिधि ही उपस्थित हुए परन्तु कोई लिखित रूप में अधिवक्ता विवरण प्रस्तुत नहीं किया अतः आदेश दिनांकित 19-2-2000 द्वारा कर्मकार के विरुद्ध एक पक्षीय कार्यवाही किये जाने का आदेश पारित हुआ तथा वाद अधिनियम पारित किये जाने हेतु सुरक्षित किया गया। उपरोक्त तथ्य से यह प्रतीत होता है कि कर्मकार की विवाद में कोई रुचि नहीं है अतः विवादास्पद प्रश्न बिना कोई विवाद के निर्णित करके अधिनियम इसी प्रकार पारित किया जाता है।

और यह आदेश दिया जाता है कि अधिनियम की निर्धारित प्रतियां केन्द्रीय सरकार को उनके द्वारा आवश्यक कार्यवाही हेतु भेजी जाएं।

दिनांक : 08-1-2001

केशव शरण श्रीवास्तव, पीठासीन अधिकारी

नई दिल्ली, 17 जनवरी, 2001

का. आ. 271.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स जेट एयर लिमि. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-1-2001 को प्राप्त हुआ था।

[सं. एल-11012/53/97-आई आर (सी-I)]

एस. एस. गुप्ता, अव्वर सचिव

New Delhi, the 17th January, 2001

S.O. 271.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to

the management of M/s. Jet Air Ltd. and their workman, which was received by the Central Government on 16-1-2001.

[No. L-11012/53/97-I.R.-(C-I)]

S. S. GUPTA, Under Secy.

अनुबन्ध

समक्ष श्री केशव शरण श्रीवास्तव : पीठासीन अधिकारी :
केन्द्रीय सरकार औद्योगिक अधिकरण : नई दिल्ली

ओ. वि. सं. 63/99

श्री माखन सिंह व अन्य
द्वारा द जनरल सेक्रेटरी,
जेट एयर ग्रुप आफ कम्पनीज एम्प्लॉयज यूनियन,
सी./ओ. 1-ए, रामनगर,
नई दिल्ली-110016

बनाम

द डायरेक्टर,
जेट एयर लिमि.
जेट एयर हाउस,
13, कम्युनिटी सेंटर,
मुसुफ सराय,
नई दिल्ली-110055

उपस्थित : श्री भूपिन्दर सिंह अधिकृत प्रतिनिधि प्रबन्ध तंत्र
की ओर से ।

कर्मकार की ओर से कोई उपस्थित नहीं हुआ ।

अधिनिर्णय :

केन्द्रीय सरकार के श्रम मंत्रालय के आदेश संख्या
एल.-11012/53/97-आई. आर. (सी.-1) दिनांकित
7-1-99 अंतर्गत के धारा 10(1)(घ) व (2क) निम्नलिखित
विवादास्पद प्रश्न के न्यायनिर्णय हेतु निर्देशित किया है :—

“क्या कर्मचारी संगठन की मांग सूची में दिए गए
ग्यारह ठेका कर्मचारों को जेट एयर लि. का सीधा
कर्मकार माना जाए तथा उन्हें उनके नियोजन की तारीख से
नियमित किया जाए उचित है ; यदि हां तो क्या निर्देश
दिए जाने आवश्यक हैं?”

2. वाद के पंजीकृत करने के पश्चात अभयपक्ष को
दिनांक 23-2-99 के आदेश द्वारा अपने लिखित अधियाचन
विवरण हेतु नोटिस भेजी गई । कर्मकार बावजूद रजिस्ट्री
डाक द्वारा नोटिस भेजने के किसी भी निर्धारित तिथि पर
उपस्थित नहीं हुआ । प्रबन्ध तंत्र की ओर से केवल अधिकृत
प्रतिनिधि ही उपस्थित हुए परन्तु कोई लिखित रूप में
अधियाचन विवरण प्रस्तुत नहीं किया । अतः आदेश
दिनांकित 19-12-2000 द्वारा कर्मकार के विरुद्ध एकपक्षीय
कार्यवाही किये जाने का आदेश पारित हुआ तथा वाद
अधिनिर्णय पारित किये जाने हेतु सुरक्षित किया गया ।
उपरोक्त तथ्य से यह प्रतीत होता है कि कर्मकार
की कोई खूबि विवाद में नहीं अतः विवादास्पद प्रश्न बिना
कोई विवाद के निर्णित करके अधिनिर्णय इसी प्रकार पारित
किया जाता है ।

आगे यह आदेश दिया जाता है कि अधिनिर्णय क
निर्धारित प्रतियां केन्द्रीय सरकार को उनके द्वारा आवश्यक
कार्यवाही हेतु भेजी जाएं ।

दिनांक : 8-1-2001

के. एस. श्रीवास्तव, पीठासीन अधिकारी

नई दिल्ली, 17 जनवरी, 2001

का. आ. 272 —औद्योगिक विवाद अधिनियम,
1947 (1947 का 14) की धारा 17 के अनुसरण में,
केन्द्रीय सरकार मंसर्स जेट एयर लि. के प्रबन्धतंत्र के
संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में
निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक
अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो
केन्द्रीय सरकार को 16-1-2001 को प्राप्त हुआ था ।

[सं. एल-11012/54/97-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 17th January, 2001

S.O. 272.—In pursuance of Section 17 of the Industrial
Disputes Act, 1947 (14 of 1947), the Central Government
hereby publishes the award of the Central Government In-
dustrial Tribunal, New Delhi as shown in the Annexure in
the Industrial Dispute between the employers in relation to
the management of M/s. Jet Air Ltd. and their workman,
which was received by the Central Government on 16-1-2001.

[No. L-11012/54/97-I.R.(C-I)]

S. S. GUPTA, Under Secy.

अनुबन्ध

समक्ष श्री केशव शरण श्रीवास्तव : पीठासीन अधिकारी
केन्द्रीय सरकार औद्योगिक अधिकरण : नई दिल्ली

ओ. वि. सं. 64/99

श्री केसर सिंह व अन्य
द्वारा द जनरल सेक्रेटरी,
जेट एयर ग्रुप आफ कम्पनीज एम्प्लॉयज यूनियन,
सी./ओ. 1-ए, रामनगर,
नई दिल्ली-110016

बनाम

द डायरेक्टर,
जेट एयर लि.
जेट एयर हाउस,
13, कम्युनिटी सेंटर,
मुसुफ सराय
नई दिल्ली-110055

उपस्थित : श्री भूपिन्दर सिंह अधिकृत प्रतिनिधि प्रबन्धतंत्र
की ओर से ।

कर्मकार की ओर से कोई उपस्थित नहीं हुआ ।

अधिनियम :

केन्द्रीय सरकार के श्रम मंत्रालय के आदेश संख्या एल.-11012/54/97-आई. आर. (सी. I) दिनांकित 7-1-99 के अंतर्गत धारा 10(1)(घ) व (2क) निम्नलिखित विवादास्पद प्रश्न के न्यायनिर्णय हेतु निर्देशित किया है :—

“क्या कर्मचारी संगठन की मांग की सूची में दिए गए जांच ठेका कर्मचारियों को जेट एअर लि. का सीधा कर्मकार माना जाए तथा उन्हें उनके नियोजन की तारीख से नियमित किया जाए उचित है; यदि हां तो क्या निर्देश पारित दिए जाने आवश्यक हैं ?”

2. बाद के पंजीकृत करने के पश्चात अभ्यपक्ष को दिनांक 23-2-99 के आदेश द्वारा अपने लिखित अधियाचन विवरण हेतु नोटिस जरिये रजिस्टरी डाक भेजी गई कर्मकार बावजूद नोटिस के किसी भी तिथि पर उपस्थित नहीं हुआ । प्रबन्धतंत्र की ओर से केवल अधिकृत प्रतिनिधि ही उपस्थित हुए परन्तु कोई लिखित रूप में अधियाचन विवरण प्रस्तुत नहीं किया अतः आदेश दिनांकित 19-12-2000 द्वारा कर्मकार के विरुद्ध एकपक्षीय कार्यवाही किये जाने का आदेश पारित हुआ तथा बाद अधिनियम पारित किये जाने हेतु सुरक्षित किया गया । उपरोक्त तथ्य से यह प्रतीत होता है कि कर्मकार की कोई रुचि विवाद में नहीं है, अतः विवादास्पद प्रश्न बिना कोई विवाद के निर्णित करके अधिनियम पारित किया जाता है ।

आगे यह आदेश दिया जाता है कि अधिनियम की निर्धारित प्रतियां सरकार को उनके द्वारा आवश्यक कार्यवाही हेतु भेजी जाएं ।

दिनांक 8-1-2001

के.एस. श्रीवास्तव, पीठासीन अधिकारी

नई दिल्ली, 17 जनवरी, 2001

का. आ. 273.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स जेट एअर लिमि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-1-2001 को प्राप्त हुआ था ।

[सं. एल-11012/55/97-आई.आर. (सी.-I)]

एस०एस० गुप्ता, अवर सचिव

New Delhi, the 17th January, 2001

S.O. 273.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Jet Air Ltd. and their workman, which was received by the Central Government on 16-1-2001.

[No. L-11012/55/97-IR(C-I)]

S. S. GUPTA, Under Secy.

अनुबंध

समक्ष श्री केशव शरण श्रीवास्तव : पीठासीन अधिकारी :
केन्द्रीय सरकार औद्योगिक अधिकरण : नई दिल्ली
ओ. वि. सं. 65/99

श्री सुरजीत व अन्य
द्वारा द जनरल सेक्रेटरी,
जेट एअर ग्रुप आफ कम्पनीज एम्प्लॉयज यूनियन,
सी. ओ. 1-ए, रामनगर,
नई दिल्ली-110016 ।

बनाम

द डायरेक्टर,
जेट एअर लिमि.,
जेट एअर हाउस,
13, कम्प्यूनिटी सेन्टर,
युसूफ सराय,
नई दिल्ली-110055 ।

उपस्थित : श्री भूपिन्दर सिंह अधिकृत प्रतिनिधि प्रबन्धतंत्र की ओर से ।

कर्मकार की ओर से कोई उपस्थित नहीं हुआ ।

अधिनियम :

केन्द्रीय सरकार के श्रम मंत्रालय के आदेश संख्या एल-11012/55/97-आई आर (सी. 1) दिनांकित 7-1-99 के अंतर्गत धारा 10(1)(घ) व (2क) निम्नलिखित विवादास्पद प्रश्न के न्यायनिर्णय हेतु निर्देशित किया है :—

“क्या कर्मचारी संगठन की मांग की सूची में दिए गए 18 ठेका कर्मचारियों को जेट एअर लि. का सीधा कर्मकार माना जाए तथा उन्हें उनके नियोजन की तारीख से नियमित किया जाए उचित है; यदि हां तो क्या निर्देश दिए जाने की आवश्यकता है ?”

2. बाद के पंजीकृत करने के पश्चात अभ्यपक्ष को दिनांक 23-2-99 के आदेश द्वारा अपने लिखित अधियाचन विवरण हेतु नोटिस जरिये रजिस्टरी डाक भेजी गई कर्मकार बावजूद नोटिस किसी भी तिथि पर उपस्थित नहीं हुआ । प्रबन्धतंत्र की ओर से केवल अधिकृत प्रतिनिधि ही उपस्थित हुए परन्तु कोई लिखित रूप में अधियाचन विवरण प्रस्तुत नहीं किया अतः आदेश दिनांकित 19-12-2000 द्वारा कर्मकार के विरुद्ध एकपक्षीय कार्यवाही किये जाने का आदेश पारित हुआ तथा बाद अधिनियम पारित किये जाने हेतु सुरक्षित किया गया । उपरोक्त तथ्य से यह प्रतीत होता है कि कर्मकार की विवाद में कोई रुचि नहीं है अतः विवादास्पद प्रश्न बिना कोई विवाद के निर्णित करके अधिनियम इसी प्रकार पारित किया जाता है ।

आगे यह आदेश दिया जाता है कि अधिनियम की निर्धारित प्रतियां केन्द्रीय सरकार को उनके द्वारा आवश्यक कार्यवाही हेतु भेजी जाएं ।

दिनांक : 8-1-2001

के. एस. श्रीवास्तव, पीठासीन अधिकारी

नई दिल्ली, 18 जनवरी, 2001

का.प्रा. 274 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे, कोटा के प्रबंधन के संरक्ष दिवसों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2001 को प्राप्त हुआ था।

[सं. एल. 41011/11/94-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th January, 2001

S.O. 274.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway, Kota and their workman, which was received by the Central Government on 17-01-2001.

[No. L-41011/11/94-IR(B-I)]

AJAY KUMAR, Desk Officer

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज.

पीठासीन अधिकारी—श्री महेश चन्द्र भगवती, आर.एच.जे.एस.

निर्देश प्रकरण क्रमांक : औ.न्या.—23/95

दिनांक स्थापित : 21-8-95

प्रसंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के

आदेश संख्या एल. 41011/11/94-आई.आर.

(बी.-आई.) दिनांक 17-8-95

निर्देश अन्तर्गत धारा 10(1) (प)

औद्योगिक विवाद अधिनियम, 1947

मध्य

डिविजनल सेक्रेटरी, पश्चिम रेलवे कर्मचारी परिषद,
कोटा।

—प्रार्थी श्रमिक यूनियन

एवं

1—डिप्टी चीफ प्रोजेक्ट मैनेजर (ई) बड़ौदा।

2—अनरल मैनेजर, इलेक्ट्रिफिकेशन, इलाहाबाद।

3—डी.आर.एम. वेस्टर्न रेलवे, कोटा।

—अप्रार्थीगण नियोजन

उपस्थित

प्रार्थी श्रमिक यूनियन की ओर से प्रतिनिधि:— श्री ए.डी.गोवर
अप्रार्थीगण नियोजक की ओर से प्रतिनिधि:— श्री एन.सी.शर्मा
अधिनिर्णय दिनांक: 18-12-2000

: अधिनिर्णय :

भारत सरकार, श्रम मंत्रालय, नई दिल्ली, द्वारा अपने
उक्त आदेश प्. 17-8-95 के तहिए निम्न निर्देश-निर्णय,

औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1)
(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रे-
षित किया गया है :—

"Whether the action of the Dy. Chief Project Manager(E), Railway Electrification, Baroda, the General Manager, Central, Org. Rly. Electrification, Allahabad and the D.R.M., Western Railway, Kota in not regularising and absorbing the workmen Annexed in list A in permanent vacancies in open line is just and fair? If not, what relief the concerned workmen are entitled to and from what date?

- | | |
|----------------------------|------------------------------|
| (1) Sh. Kunj Behari R | Working under DSK(RE) Kota |
| (2) Sh. Rajendra Kumar R | -do- |
| (3) Sh. Laddolal N | -do- |
| (4) Sh. Tek Bahadar S | -do- |
| (5) Sh. Sudhir Kumar L | -do- |
| (6) Sh. Kan Singh K | -do- |
| (7) Sh. Prayag Narayan R | -do- |
| (8) Sh. Sayed Sajid Ali | -do- |
| (9) Ramjilal G | Under S & T Kota |
| (10) Sh. Bhanwar Singh G | -do- |
| (11) Sh. Dinses Sharma D | -do- |
| (12) Sh. Sakhibahader K | under ORE/Kota |
| (13) Sh. Premchand P | -do- |
| (14) Sh. Ramyad G | Elect. |
| (15) Sh. Mahaveer Prasad C | -do- |
| (16) Sh. Mukesh Kr. V | -do- |
| (17) Sh. Laddoolal H | In manning at Agra |
| (18) Sh. Girish Kumar J | |
| (19) Sh. Shiv Bali Singh R | under IOW(RE) Kota at Agra." |

2—निर्देश विवाद, न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किये जाने उपरान्त पक्षकारों को सूचना विधि-वत रूप में भिजवाई गयी जिस पर दोनों पक्षों की ओर से अपने-अपने अभ्यावेदन प्रस्तुत किये गये।

3—आज पत्रावली वास्ते पेश होने दस्तावेजात व साक्ष्य प्रार्थी पक्ष नियत थी, परन्तु उसकी ओर से कोई साक्ष्य प्रस्तुत नहीं की गई, ना स्वयं प्रार्थी श्रमिकगण उपस्थित हुए हैं और ना ही उसके अधिकृत प्रतिनिधि द्वारा कोई युक्तियुक्त कारण ही प्रकट किया गया है। पत्रावली के अवलोकन से प्रकट होता है कि प्रार्थीगण द्वारा उक्त प्रयोजनार्थ दि. 18-11-99 से लगातार समय लिया जाता रहा है परन्तु आज दिन तक भी कोई साक्ष्य किसी प्रकार की उपलब्ध नहीं करायी गयी है, अस्तोत्वा आज साक्ष्य समाप्त की गयी। अप्रार्थी नियोजक की ओर से भी कोई साक्ष्य प्रस्तुत नहीं कर अपनी साक्ष्य समाप्त की गयी।

4—बहुम पक्षकारों की सुनी गयी व पत्रावली का अव-लोकन दिया गया। चूंकि प्रार्थीगण श्रमिक पक्ष की ओर से सम्प्रेषित निर्देश-विवाद में प्रस्तुत क्लेम स्टेटमेन्ट की सम्पुष्टि में कोई साक्ष्य किसी प्रकार की प्रस्तुत कर थाने क्लेम को प्रमाणित नहीं किया गया है और अभिलेख पर

साक्ष्य का पूर्ण अभाव रहा है तथा अप्रार्थी नियोजक की ओर से भी प्रार्थीगण का क्लेम पूर्णतया अस्वीकार्य रहा है, अतः प्रार्थी श्रमिकगण, अप्रार्थी नियोजक से सम्प्रेषित निर्दोश-विवाद में कोई अनुतोष प्राप्त करने के अधिकारी नहीं है और तदनुसार अधिनिर्णित किया जाता है।

अधिनिर्णय आज दिनांक 18-12-2000 को खुले न्यायाधिकरण में सुनाया गया जिस निबन्धानुसार समुचित सरकार को प्रकाशनायक भिजवाया जावे।

महेश चन्द्र भगवती, न्यायाधीश, कोटा

नई दिल्ली, 18 जनवरी, 2001

का. आ. 275.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लार्ड कृष्णा बैंक लि. कालूर, कोचीन के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय कोझीकोडे, केरल राज्य के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2001 को प्राप्त हुआ था।

[सं. एल-12012/77/2000-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th January, 2001

S.O. 275.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Kozhikode, Kerala State as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Lord Krishna Bank Ltd., Kaloore, Kochi and their workman, which was received by the Central Government on 17-1-2001.

[No. L-12012/77/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE LABOUR COURT, KOZHICODE, KERALA STATE

Dated this the 29th day of November, 2000

PRESENT :

Sri E. D. Thankachan B.A., B.L., Presiding Officer.
I.D. (C)1/2000

BETWEEN

The Deputy General Manager,
Lord Krishna Bank Ltd., Regd. &
Administration Office,
Indian Express Buildings,
Kaloore, Kochi, 682017.

.. Management.

AND

Sri M. Subraya Kamath,
Opp.: Sharada Press,
Car Street,
Mangalore (Karnataka)-575001.

.. Workman.

Representations:

Sri K. Bhaskaran Nair, Advocate,
Kozhikode .. For Management.

AWARD

As per Government Order No. L-12012/77/2000/IR(B-I) dated 21-6-2000 the Government of India referred an industrial dispute between the above parties to this court for adjudication and award. The issue referred for adjudication was "Whether the action of the management of the Lord Krishna Bank in dismissing the service of the workman Sri M. Subraya Kamath with effect from 5-6-1998 is justified? If not, to what relief the workman is entitled to".

2. Pursuant to the reference, notice intimating the date of posting of the case in the Labour Court was issued to both parties. Accordingly the management appeared through counsel. The workman has not appeared. When the case came up for consideration on 29-11-2000, the workman has not appeared. The name of the workman is called, Absent. Since the worker has not appeared for prosecuting his case, I am inclined to hold that the workman is not interested to pursue the dispute any further and that there is no existing industrial dispute between the parties to be resolved.

3. In the result, an award is passed holding that there is no subsisting industrial dispute between the parties to be adjudicated upon.

Dictated to the Confidential Assistant, transcribed by him, revised, corrected and passed by me on the 29th day of November, 2000.

E. D. THANKACHAN, Presiding Officer

नई दिल्ली, 18 जनवरी, 2001

का. आ. 276.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय रिजर्व बैंक, नागपुर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 17-1-2001 को प्राप्त हुआ था।

[सं. एल-12012/221/2000-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th January, 2001

S.O. 276.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Reserve Bank of India, Nagpur and their workman, which was received by the Central Government on 17-1-2001.

[No. L-12012/221/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Sri B. G. Saxena, Presiding Officer.

Reference No. : CGIT-312/2000

Employers in relation to the management of
Reserve Bank of India,

AND

Their Workman Smt. S. A. Saodekar.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order L-12012/221/2000/IR(B-I) dated 17-10-2000 on the following schedule.

SCHEDULE

"Whether the action of the management of Regional Director for Maharashtra, Reserve Bank of India, Nagpur is not to entertain the genuine claim of Smt. Saodekar to the post of Hindi Translator is legal, proper and justified? If not, to what relief the said workman is entitled to and from what date."

The dispute in this case was that Smt. Saodekar was not appointed as Hindi Translator though she was qualified for it. The date was fixed today for filing Statement of Claim by Smt. Saodekar.

I have heard the Secretary of the Reserve Bank Employees Association Shri S. M. Chepurwar and Shri A. L. Nitnavare, Asstt. General Manager, Reserve Bank of India, Nagpur. The Secretary of the union has moved an application that after receipt of this reference in the CGIT Court, at Nagpur the Reserve Bank of India, management has appointed Smt. S. A. Saodekar to the post of Hindi Translator.

As the workman has got her special pay post in the cadre of Clerk Grade II, now, the dispute has settled between the management and the workman. Shri A. L. Nitnavare, represented that after failure of conciliation report examination was conducted for the post of Hindi Translator. She qualified that test and has therefore been appointed as Hindi Translator.

In the above circumstances the workman does not press her claim for any other relief and has moved an application today that the dispute be treated as closed. The management has no objection to the prayer made in the application by the workman through the Secretary of the union.

ORDER

Smt. S. A. Saodekar has been appointed as Hindi Translator. The matter has settled between the management and the workman. She is therefore not entitled to any other relief.

The reference is disposed off accordingly.
Dated 1-1-2001

B. G. SAXENA. Presiding Officer

नई दिल्ली, 18 जनवरी, 2001

का. आ. 277.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार भारतीय स्टेट बैंक, नागपुर के प्रबन्धन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2001 को प्राप्त हुआ था।

[सं. एन-12012/255/97-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th January, 2001

S.O. 277.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India, Nagpur and their workman, which was received by the Central Government on 17-1-2001.

[No. L-12012/255/97-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. CGIT-63/2000

Employers in relation to the management of
State Bank of India, Nagpur.

AND

Their Workman Shri Vinayak Undraji Borikar.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order L-12012/255/97-IR(B-I) Dated 5-6-98 on the following schedule.

SCHEDULE

"Whether the dismissal of Shri Vinayak Undraji Borikar, at the State Bank of India, Morshi Branch w.e.f. 22-5-95 by the management of State Bank of India through Dy. General Manager/Asstt. General Manager, Region-V, Zonal Office, Nagpur is valid, justified, and legal? If not, to what benefits the workman is entitled for and what directions are necessary in the matter?"

Vinayak S/o Undraji Borikar was appointed as messenger on 12-8-73 in the State Bank of India. He was posted as messenger at Morshi Branch in district Amravati in the year 1994. On 22-3-94 the chargesheet was submitted against him and six charges under paragraph 521(4) (c) (d) (e) (f) (i) of Shastri Award were framed against him. The Enquiry Officer submitted his report and final order was passed on 17-5-95. He was dismissed from service w.e.f. 22-5-95.

The charges against him were as under :

- (1) On 20-2-93 at 12.10 P.M. he assaulted Shri Narayan Jane, Bank Guard, who was on duty and caused fracture to his right hand last finger. He was charge under para 521(4) (c) (d) and (j) of Shastri Award that is behaving riotous disorderly and indecently in the premises of the bank.
- (2) On 23-4-93 he entered into verbal altercation with Smt. Shobha Deshmukh, Waterwoman and threw a Savings Bank Ledger on her.
- (3) He was in the habit of abusing the colleagues after drinking wine in the bank premises and misbehaved with the people. He came to the bank drunk on 11-2-93, 12-2-93, 13-2-93, 20-2-93 and 23-4-93 and disturbed the working of the bank.
- (4) Habitually indulging in unauthorised absence from duty.
- (5) He was granted an advance of Rs. 300 on 16-7-93 to attend a written test at Nagpur on 18-7-93 in connection with promotion to the post of Record Keeper/Bill Collector, but did not attend the written test.
- (6) Habitually showing disregard of ordinary requirements of decency and cleanliness in person and dress wearing the bank's uniform even when not on duty.

The workman claimed that his termination was unjustified and he be reinstated. The management filed written statement on 4-8-98.

Shri S. B. Panse, Presiding Officer, CGIT Court No. 1, Mumbai passed Award Part-1 on 22-12-98 and recorded finding that enquiry conducted against the workman was against the principles of natural justice. He directed the management to lead evidence. After that the management produced evidence in this case. The workman also examined himself. The cross examination of the workman was recorded on 22-9-2000.

Both the parties closed their evidence and the management submitted the written argument. The workman was also provided opportunity to submit his written argument, if any he wanted..

On 11-12-2000 the workman represented that his counsel has not come and another date be given to him for argument. The case was adjourned to 15-12-2000. On 15-12-2000 the workman Shri Vinayak Borikar came with his counsel Shri Vachasunder. The counsel did not file Vakalatnama and

did not submit any written argument. The case was adjourned to 26-12-2000 for arguments.

The Law Officer of the bank argued the case for management. The workman Vinayak Borikar himself argued the case. His counsel did not turn up to argue the case.

I have heard the arguments of the management and the workman Shri Vinayak Borikar and have considered the entire oral and documentary evidence on record.

Shri Narayan S/o Vishvnath Jane, Armed Guard of State Bank of India, Morshi Branch, Distt. Amravati had filed his affidavit on 18-1-99. He was cross examined by Shri S. V. Lapalakar, representative of the union of the workman. His statement shows that the workman Vinayak Borikar often used to quarrell with the members of the staff and the customers. On 20-2-93 at 12 O'clock Shri Vinayak Borikar was using filthy language and was shouting in the bank. He was drunk. He stopped Borikar from creating nuisance, but he did not listen to him. The workman Vinayak Borikar violently pushed him on the grill of the gate and caused injury to him. He was medically examined. Dr. Dhole found a fracture in the finger of his right hand. In cross examination by the defence representative of the workman again this witness represented that the workman Vinayak Borikar was drunk. He was abusing. Shri Pandey, the Branch Manager had asked him to remove him out from the bank. The workman had pushed him on the grill of the main gate and caused fracture to the right hand finger. It is suggested to this witness that he got fracture in his finger due to his accident with Motor Cycle. The witness denied the suggestion.

The witness of the management Sh. Devdutta also supported the statement of witness Shri Narayan Jane. He stated that on 20-3-93 at 12 O'clock the workman Vinayak Borikar was under the influence of liquor and had caused injury to Shri Narayan Jane by dashing him to the gate of the bank. He further stated that Rs. 1000 was sanctioned to Shri Narayan Jane for his treatment on 25-2-93. He also stated that one lady Smt. Shobha Deshmukh was assaulted by the workman on 23-4-93. The workman had thrown the ledger book on her. Smt. Shobha Deshmukh had given a written complaint to the management about this incident on 23-4-93. The workman Vinayak Borikar was arrested by the police and on medical examination he was found drunk. The police had registered the case against him under section 85(1) of the Bombay Prohibition Act. The case was registered at crime no. 88/93. Workman Vinayak Borikar was arrested on 23-4-93 at 12.10 P.M. The witness further says that he had himself seen the occurrence. Sh. Devidutta was cross examined by the representative of the union of the workman Shri Lapalakar.

Shri Vasant S/o Shri Laxmanrao is Farrash-cum-Messenger. He stated that on 20-2-93 at 12 O'clock the workman Vinayak Borikar had pushed Shri Jane at the gate and had caused injury in his hand. On 23-4-93 Borikar tried to assault Smt. Shobha Deshmukh with heavy ledger in the bank. Borikar was drunk. On this incident the other members of the

staff had decided to go on strike if no action is taken against the Borikar by the management. He says that he was at the distance of ten feet from the workman, and has seen him misbehaving with Smt. Shobha Deshmukh. He further stated that the workman used to come to the Bank after consuming alcohol.

The statement of Smt. Shobha Deshmukh is also on file. She had filed her affidavit on 15-1-99. She was cross examined on 9-3-99. She denied the suggestion that she has given false affidavit. She denied the suggestion that she had not seen the Borikar raising the ledger upon her. In her affidavit she had stated that the workman Vinayak Borikar wanted to throw the ledger upon her. She had cried and shouted on Borikar as to why he was attempting to assault her. She had submitted written complaint to Branch Manager same day. She had requested to the Branch Manager to take action against Vinayak Borikar. The other members of the staff had gathered and due to this incident the work of bank could not start at usual business hours.

Shri Vinayak Borikar, workman had filed his affidavit on 20-7-2000. He was cross examined on 22-9-2000. The workman stated that he is educated up to class 8th. He denied the suggestion that he is in the habit of consuming wine. He says that he does not know Narayan Jane. He had not pushed oral evidence in his defence.

From the statements of the above witnesses examined by the management, it is proved that the workman Vinayak Borikar had caused injury to Shri Narayan Jane on 20-2-93 at 12.10 P.M. He also tried to assault Smt. Shobha Deshmukh, another employee of the bank on 23-4-93. He was also found drunk during the working hours of the bank on the above dates. Thus charge Nos. 1, 2 and 3 are proved against the workman. The documentary evidence in support of the above charges has also been produced as paper, Exhibit Nos. 29, 30, 37, 38 and 72.

The workman had pleaded guilty to the charges Nos. 4 and 5 during the enquiry. For charge No. 6 Shri Devidutta has mentioned in his affidavit, para 8, that he had written several letters to the controller regarding the conduct of the workman. He had written letter H15/13 dated 21-12-91 regarding the unauthorised absence of the workman. The workman used to wear the uniform 24 hours. The workman also tried to mark his attendance on 11-2-93, 12-2-93 and 13-2-93. He was under the influence of wine on these dates and was not permitted to work in the branch. In para 13 of his affidavit he has stated that Borikar did not attend the written test after receiving Rs. 300 on 16-7-93. In cross examination the statement of this witness has not been challenged on these points.

The workman argued that he has been falsely implicated and he does not drink wine. The argument of the workman has no force. The management has submitted documents in support of the statements of the witnesses. The medical certificate dated 20-2-93 of Dr. Deepak Dhole has been filed to show that Shri Narayan Jane had received fracture in the right

hand finger. The copy of the police record has also been submitted to show that the case under section 110/117, Bombay Police Act was registered against the workman Vinayak Borikar. He was taken on custody on 23-4-93. Vinayak Borikar was convicted on 11-7-91 for offence under section 10/117, Bombay Police Act and was convicted to pay fine Rs. 50 and default thereof he was sentenced to go three days simple imprisonment. These documents are Exhibit-3 and 4.

The management has submitted ruling Bank of M. Prakash and Others Vs. Om Prakash Malviya, 1997, III LLJ, Supplementry, Page 904. In this ruling it is held by the High Court of Delhi that section 10(1)B, Banking Regulation Act, Bi-Partite Settlement 1996 clause 19.2, 19.3(a), 19.3(b), an employee of the bank, coming to the bank in drunken condition and abusing Manager of the Bank. The employee pleaded guilty before the Criminal Court for offence under Bombay Police Act. The employee was found guilty of Moral Turpitude Bank was justified in holding departmental enquiry and dismissing employee from service in exercise of the powers under the Bank Regulation Act read with Bi-Partite Settlement.

In the circumstances discussed above the workman could not produce any evidence to show that the charges framed against him are false. The workman had no enmity with the Branch Manager or any official of the bank. The statement of the witnesses produced by the management have supported the charge framed against the workman. In these circumstances the action of the management of State Bank of India in dismissing the workman Sh. Vinayak Undraji Borikar w.e.f. 22-5-95 is valid, justified and legal.

ORDER

The dismissal of Sh. Vinayak Undraji Borikar of the State Bank of India, Morsi Branch w.e.f. 22-5-95 by the management of State Bank of India through Deputy General Manager/Asstt. General Manager, Region V, Zonal Office, Nagpur is valid, justified and legal. The charges against the workman have been proved and he has been rightly dismissed from the service. The workman is therefore not entitled to any relief claimed by him.

The reference is answered accordingly.

Dated : 3-1-2001

B. G. SAXENA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2001

का. आ. 278.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार भारतीय स्टेट बैंक, नागपुर के प्रबंधक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2001 को प्राप्त हुआ था।

[सं. एल-12012/322/97-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 18th January, 2001

S.O. 278.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India, Nagpur and their workman, which was received by the Central Government on 17-1-2001.

[No. L-12012|322|97-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. : CGIT-175|2000

Employers in relation to the management of State
Bank of India, Nagpur.

AND

Their Workman Smt. S. D. Hatekar

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order L-12012|322|97-R(B.I) dated 28-8-98 on the following schedule

SCHEDULE

"Whether the action of the management of State Bank of India, Nagpur through Asstt. General Manager, Region III, Zonal office, Kingsway, Nagpur not appointing to Mrs. S. D. Hatekar as Assistant Cash Officer in the State Bank of India, Khamgaon Branch is justified, proper and legal? If not, to what relief the workman is entitled?"

Mrs. S. D. Hatekar has mentioned in her statement of claim that she was appointed as clerk in the State Bank of India, alongwith Shri V. S. Nimbolkar. The date of joining of both the employees was 01-01-1979. She was senior to Shri V. S. Nimbolkar as she was elder in age. Shri Nimbolkar has been appointed as Asstt. Cash Officer from 10-5-94 and her claim for appointment as Asstt. Cash Officer has been ignored, though the post was created on 1-10-93. She has claimed that she should be given promotion as Asstt. Cash Officer from 10-5-94.

The management of State Bank of India disputed her claim on the ground that Smt. S. D. Hatekar was senior to Shri V. S. Nimbolkar and was offered higher post in cadre appointment and an allowance carrying post on 6-12-93. She was promoted as a Teller. She refused her promotion vide her letter dated 10-12-93 on her personal domestic reasons. She was therefore debarred for two years from promotion, but later on the period of two years was reduced to one year due to the revised policy of the department dated

12-2-94 pertaining to in cadre higher appointments. She had also not submitted any option for working in sub zone and undertaking to work in cash department upto 6-7-94.

As she was debarred for one year that is upto 6-12-94 on her refusal for promotion to the post of Teller, the next senior person Shri V. S. Nimbolkar was promoted as Asstt. Cash Officer w.f.e. 10-5-94.

She was again offered promotion to the post of Head Clerk at Shenggaon Branch of State Bank of India, but she refused to join on the post of Head Clerk. Again she was debarred for one year.

The third offer of promotion to the post of Teller was given to her vide letter dated 21-3-97 at Jalgaon Jamod Branch. Mrs. S. D. Hatekar refused to join this post on 26-3-97.

Upto 23-1-1996, she did not raise objection against the promotion of Shri V. S. Nimbolkar. She made representation for her promotion on 23-1-96 and the department had informed her the reason of not promoting her from 10-5-94 as she was debarred from promotion.

The statement of claim was submitted for Smt. S. D. Hatekar through General Secretary, State Bank Workers Organisation on 20-11-98 in CGIT, Court no. 1 at Mumbai. The written statement was submitted by Asstt. General Manager, State Bank of India on 10-2-99 at CGIT Court no. 1, Mumbai.

This case was received by transfer from CGIT Court no. 1, Mumbai and the information was sent to the parties fixing 21-8-2000. The case was adjourned to 11-9-2000, 20-10-2000, 11-12-2000, 20-12-2000 and 26-12-2000.

Neither the workman turned upto contest her case nor any representative of the State Bank Workers Organisation i.e. Union of the workman turned upto contest the claim.

The order sheets of the CGIT Court no. 1 at Mumbai also shows that the workman did not appear in that court also after 18-6-99. Thus, the workman or the representative of her union did not turn up in the Court after filing of the written statement by the bank on 10-2-99.

The management of the bank has submitted the documents in support of the facts submitted in written statement.

The workman did not submit the rejoinder to the written statement. No affidavit or evidence has been produced by the workman or the representative of her union in support of the statement of claim.

The management has also submitted written arguments on 26-12-2000.

I have considered the arguments submitted by the management of the State Bank of India and the documents produced in the court. No oral evidence has been produced in the case by any party. The letter dated 10-12-93 of Smt. S. D. Hatekar, document no. 2 is on the file. In this letter she has admitted that she was given promotion to the post of Teller vide letter dated 6-12-93 by the management of State Bank of India. She had informed the Branch Manager, State

Bank of India, Agriculture Division, Branch Khamgaon that she does not accept the promotion as a Teller, because her family life shall be disturbed and the education of her son will be disturbed. On 10-12-93 the Branch Manager debarred her from promotion for two years. Later on the period of two years was reduced to one year vide letter dated 10-12-93.

On 6-7-94 Smt. S. D. Hatekar submitted her option for in cadre higher appointments and she gave the choice of the undernoted three stations for her posting:

- (1) Akola (2) Khamgaon (3) Nagpur Zonal Office.

The letter of the Branch Manager bearing no 00494 dated 17-1-96 is on the file. This letter shows that Smt. S. D. Hatekar was offered higher appointment to the post of Head Clerk at Sheongaon.

The letter H15/96/296 dated 27-1-96 shows that Smt. S. D. Hatekar refused to accept her appointment to the post of Head Clerk at Sheongaon. She was debarred for one year w.e.f. 25-1-96. This is document no. 8. On 21-3-97 vide letter no. AGM : III : A3 : 0052611 dated 21-2-97, the Branch Manager of the State Bank of India, Khamgaon informed her that she has been appointed as Teller on six months probation at Jalgaon Jamod Branch. The letter dated 26-3-97 of Smt. S. D. Hatekar to Branch Manager, State Bank of India, Khamgaon shows that she refused to join as Teller at Jalgaon Jamod Branch due to her family problems. This letter of Smt. S. D. Hatekar at 26-3-97 document no. 10 is on the file. Letter no. H15/406 dated 26-3-97 shows that she was again debarred from promotion/higher appointment for a period of one year from 26-3-97.

From the above documents on record, it is clear that whenever the opportunity to the higher post came, the offer for appointment was sent by management to the working woman, but she refused her appointment to the higher post three times due to her family problem. In the aforesaid circumstances the action of the management of the State Bank of India was justified in not appointing her as Asstt. Cash Officer on 10-5-94 as claimed by her. Her claim is baseless and no relief can be granted to her.

ORDER

The action of the the management of State Bank of India, Nagpur through Asstt. General Manager, Region III, Zonal Office, Kingsway, Nagpur not appointing to Mrs. S. D. Hatekar as Asstt. Cash Officer in State Bank of India, Khamgaon Branch as claimed by her is justified, proper and legal. Mrs. S. D. Hatekar is not entitled to any relief.

The reference is answered accordingly.

Date : 01-01-2001

B. G. SAXENA, Presiding Officer

नई दिल्ली, 18 जनवरी, 2001

का. प्रा. 279.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे, कोटा के प्रबन्धन केन्द्र 257 GI/2001—13

नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2001 को प्राप्त हुआ था।

[सं. एन-41011/25/94-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th January, 2001

S.O. 279.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of Industrial Tribunal Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railways, Kota and their workman, which was received by the Central Government on 17-1-2001.

[No. L-41011/25/94-IR(B-I)]

AJAY KUMAR, Desk Officer.

अनुबन्ध

न्यायाधीश औद्योगिक न्यायधिकरण केन्द्रीय कोटा/राज.
पीठाधीन अधिकारी श्री महेश चन्द्र भगवती, आर. एच. जे. एस.
निर्देश प्रकरण क्रमांक : ओ. न्या. 26/95
दिनांक स्थापित : 6/9/95

प्रसंग : भारत सरकार अम मंत्रालय दिल्ली के आदेश
संख्या एल. 41011/25/94-आईआर. (बी. आई.)
दिनांक 28/8/95

निर्देश अन्तर्गत धारा 10(i)(घ)
औद्योगिक विवाद अधिनियम, 1947

मध्य

बिचिजनस सेकेट्री पश्चिम रेलवे कर्मचारी परिषद कोटा,
—प्रार्थी श्रमिक यूनियन

एवं

डिप्टी चीफ प्रोजेक्ट मैनेजर (ई) प्रतापनगर, बड़ौदा
(गुजरात)

—अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक यूनियन की ओर से प्रतिनिधि :—श्री ए. डी. श्रीवर
अप्रार्थी नियोजक की ओर से प्रतिनिधि :—श्री एन. सी. शर्मा
अभिनिर्णय दिनांक 18/12/2000

अभिनिर्णय

भारत सरकार, अम मंत्रालय नई दिल्ली द्वारा अपने उक्त आदेश दि. 28/8/95 के जरिये निम्न निर्देश विचार, औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अभिनिर्णयार्थ सम्प्रेषित किया गया है :

"Whether the action of the Railway Administration through the Dy. Chief Project Manager (R.E.) Baroda, Central Manager(E) Central Organisation of Railway Electrification, Allahabad and the DRM, Western Railway, Kota in not regularising and absorbing the workmen (Annex.) is legal and justified? If not, what relief the concerned workmen are entitled to and from what date?"—

(1) Sh. Shiv Bali Singh	10W(RE), Kota
(2) Sh. Sukhbinder Singh	-do-
(3) Sh. Lallu Lal	-do-
(4) Sh. Rambeer	PW(RB), Kota
(5) Sh. Islamuddin	-do-
(6) Sh. Mohd. Hanif	-do-
(7) Sh. Charan Singh	DEE(RE), Kota
(8) Sh. Narain Singh	-do-
(9) Sh. Mukut Singh	-do-

2. निर्देश विवाद, न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किये जाने उपरांत पक्षकारों को सूचना विधिवत रूप से भिजवाई गयी जिस पर दोनों पक्षों की ओर से अपने अपने अध्यावेदन प्रस्तुत किये गये।

3. आज पतावली वास्ते पेश होने दस्तावेजात व साक्ष्य प्रार्थी पक्षनियत थी, परन्तु उसकी ओर से कोई साक्ष्य प्रस्तुत नहीं की गयी और ना ही उसी अधिभूत प्रतिनिधि द्वारा कोई युक्तियुक्त कारण ही प्रकट किया गया है पतावली के अव-लोकन से प्रकट होता है कि प्रार्थीगण द्वारा उक्त प्रयोजनार्थ दि. 18/11/99 से लगातार समय लिया जाता रहा है परन्तु आज दिन तक भी कोई साक्ष्य किसी प्रकार की उपलब्ध नहीं कराया गया है, अन्तीमरूप आज साक्ष्य समाप्त की गयी। अप्रार्थी नियोजक की ओर से भी कोई साक्ष्य प्रस्तुत नहीं कर अपनी साक्ष्य समाप्त की गयी।

4. बहस पक्षकारों की सुनी गयी व पतावली का अव-लोकन किया गया। चूँकि प्रार्थीगण अधिक पक्ष की ओर से सम्प्रेषित निर्देश विवाद में प्रस्तुत क्लेम स्टेटमेंट व सम्पुष्टि में कोई साक्ष्य किसी प्रकार को प्रस्तुत कर अपने क्लेम को प्रमाणित नहीं किया गया है और अभिलेख पर साक्ष्य का पूर्ण अभाव रहा है तथा अप्रार्थी नियोजक की ओर से भी प्रार्थी गण का क्लेम पूर्णतया अस्वीकार्य रहा है, अतः प्रार्थी अधिक-गण प्रार्थी नियोजक से कोई अनुरोप प्राप्त करने का अधिकारी नहीं है और तदनुसार अधिनिर्णित किया जाता है।

अधिनिर्णय आज दिनांक 18/12/2000 को खुले न्याया-धिकरण में सुनाया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जाये।

महेश चन्द्र भगवती, न्यायाधीश,

नई दिल्ली, -18 जनवरी, 2001

का.आ. 280.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे कोटा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक

विवाद में औद्योगिक अधिकरण कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय-सरकार को 17-1-2001 को प्राप्त हुआ था।

[सं. एल-41012/155/96-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 18th January, 2001

S.O. 280.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of Industrial Tribunal Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railways, Kota and their workman, which was received by the Central Government on 17-1-2001.

[No. L-41012/155-96-IR(B-I)]

AJAY KUMAR, Desk Officer.

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज.

पीठासीन अधिकारी श्री महेश चन्द्र भगवती, भार. एच.जे.एस.

निर्देश प्रकरण क्रमांक श्री. न्या. 28/97

दिनांक स्थापित : 21/11/97

प्रसंग : भारत सरकार श्रम मंत्रालय नई दिल्ली के आदेश

संख्या एल, 41012/155/96-आई. आर. (बी)

दिनांक 22/8/97

निर्देश अन्तर्गत धारा 10(1) (घ)

औद्योगिक विवाद अधिनियम, 1947

मध्य

देवकीनन्दन द्वारा वी डिविजनल सेक्रेट्री पी. आर. के. पी. कोटा।

—प्रार्थी श्रमिक

एवं

वी डिविजनल रेलवे, मैनेजर वेस्टर्न रेलवे कोटा।

—अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि:— श्री ए. डी. प्रोवर

अप्रार्थी नियोजक की ओर से प्रतिनिधि:— श्री एन. सी. शर्मा

अधिनिर्णय दिनांक : 18/12/2000

: अधिनिर्णय :

भारत सरकार, श्रम मंत्रालय नई दिल्ली द्वारा अपनी उक्त अधिसूचना आदेश दि. 22/8/97 के द्वारा निम्न निर्देश विवाद औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1) (घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है:—

"Whether the action of the Railway Administration through D.R.M. Western Railway, Kota in removing the workman Shri Devkinandan, G. ex-casual labour working under P.W.I. (North) Gangapurcity w.c.f. 1-6-74 and not taking him in employment in preference to new faces is fair and just? If not, what relief the concerned workman is entitled to and from what date."

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.
Reference No. CGIT-13/2000Employers in relation to the management of
South Eastern Railway, Nagpur

AND

Their Workman Shri Ashwajit Badge.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of the Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order L-41012/241/99/IR(B-I) Dated 23/24-12-1999 on the following schedule.

SCHEDULE

"Whether the action of the management of the Divisional Railway Manager, South Eastern Railway, Kingsway, Nagpur in denial of employment to Shri Ashwajit Badge, Ex-Casual Labour in Group 'D' Category is legal and justified? If not, to what relief the said workman is entitled?"

In this reference the statement of claim was filled by the workman Shri Ashwajit Badge on 28-3-2000. The management has submitted written statement on 29-5-2000. The case was adjourned to 22-6-2000. The workman absented himself on this date. After that 12-7-2000, 24-7-2000, 28-7-2000, 16-8-2000, 21-9-2000, 27-9-2000 were fixed. The workman did not turn up. Nobody from the side of his union appeared in this case. The advocate also did not appear to conduct the case for workman. Thus, neither the workman is appearing in the case nor any representative of the workman is appearing to contest the case.

On 22-6-2000 the date 12-7-2000 was fixed for the evidence of the workman, but after 22-6-2000 neither the workman appeared nor any evidence was produced by him.

On 14-11-2000 the date was again fixed for filing affidavit, but the workman did not submit any affidavit or documents in support of his claim. The case was adjourned to 12-12-2000 and 4-1-2001, but the workman did not file any affidavit in support of his claim. It is therefore clear that the workman is regularly absented from 22-6-2000 and no evidence has been produced by him in support of his claim.

The counsel for D.R.M., South Eastern Railway, Shri Nitin Lambat is present. His argument were heard.

It is argued by the counsel that the workman has produced the forged identity card regarding his appointment. In the affidavit of Shri J. S. Sukhdeo, Asst. Personal Officer of South Eastern Railway, Nagpur which is filed by the management, it is mentioned that the workman Ashwajit Bagade was not appointed by the S. E. Railway. His name does not

2. निर्देश विवाद न्यायधिकरण में प्राप्त होने पर पंजी-
यद उपरान्त पक्षकारों को सूचना विधिवत रूप में जारी की
गयी जिस पर दोनों पक्षों की ओर से अपने-अपने अध्यावेदन
प्रस्तुत किये गये।

3. आज पत्रावली बास्ते दस्तावेजात व साक्ष्य प्रार्थी नियत
थी, परन्तु उसकी ओर से कोई साक्ष्य प्रस्तुत नहीं की गयी,
ना स्वयं प्रार्थी श्रमिक उपस्थित हुआ है और ना ही उसके
अधिकृत प्रतिनिधि द्वारा कोई युक्तियुक्त कारण इस बाबत
बतलाया गया है। पत्रावली के अवलोकन से प्रकट होता है
कि प्रार्थी पक्ष द्वारा उक्त प्रयोजनार्थ बि. 28-5-99 से निरन्तर
समय लिया जाता रहा है परन्तु आज दिन तक भी कोई
साक्ष्य उपलब्ध नहीं करायी गई है, फलस्वरूप उसकी साक्ष्य
समाप्त की गयी। अप्रार्थी नियोजक की ओर से भी कोश
साक्ष्य प्रस्तुत नहीं कर अपनी साक्ष्य समाप्त की गयी।

4. बहुस पक्षकारों की सुनी गयी व पत्रावली का अव-
लोकन किया गया। चूँकि प्रार्थी श्रमिक की ओर से
सम्प्रेषित निर्देश विवाद के सम्बन्ध में प्रस्तुत क्लेम स्टेटमेंट की
सम्पुष्टि में कोई साक्ष्य किसी प्रकार की प्रस्तुत कर अपने
क्लेम को प्रमाणित नहीं किया गया है और अभिलेख पर
साक्ष्य का पूर्ण अभाव रहा है तथा अप्रार्थी नियोजक की ओर
से भी प्रार्थी का क्लेम अभिलेख पर अस्वीकार्य रहा है, अतः
प्रार्थी श्रमिक, अप्रार्थी नियोजक से सम्प्रेषित निर्देश विवाद
में कोई अनुतोष प्राप्त कर का अधिकारी नहीं है और तद-
नुसार इसी प्रकार अधिनिर्णित किया जाता है।

अधिनिर्णय आज दिनांक 18-12-2000 को खुले न्याया-
धिकरण में सुनाया गया।

सहेय चन्द्र भगवती, न्यायधीश

नई दिल्ली, 18 जनवरी, 2001

का.आ. 281.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय
सरकार दक्षिणी पूर्वी रेलवे, नागपुर के प्रबंधन के संबंध
नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट
औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण
नागपुर के बंटाट को प्रकाशित करती है, जो केन्द्रीय सरकार
को 17-1-2001 को प्राप्त हुआ था।

[सं.एल.-41012/241/99-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th January, 2001

S.O. 281.—In pursuance of Section 17 of the
Industrial Dispute Act, 1947 (14 of 1947), the
Central Government hereby publishes the Award of
the Central Government Industrial Tribunal (Labour
Court, Nagpur as shown in the Annexure in the
Industrial Dispute between the employers in relation
to the management of South Eastern Railways,
Nagpur and their workman, which was received by
the Central Government on 17-1-2001.

[No. L-41012/241/99-IR(B-I)]
AJAY KUMAR, Desk Officer.

appear in the list of casual labour dated 20-6-1981. He is therefore not entitled to any retrenchment compensation.

No other counter affidavit or document has been filed by the workman in rebuttal.

In view of the above facts the workman is himself avoiding to contest the case after filing Written Statement by the management. The workman has not submitted any evidence in support of his statement of claim. The action of the management in denying employment to Ashawajit Bagde, Ex-Casual Labour in group 'D' is therefore legal and justified.

ORDER

The action of the management of Divisional Railway Manager, South Eastern Railway, Kingsway, Nagpur in denial of employment to Shri Ashawajit Bagde, Ex-Casual Labour in Group 'D' category is legal and justified.

The workman is not entitled to any relief.

The reference is answered accordingly.

Dated : 4-1-2001

B. G. SAXENA, Presiding Officer.

नई दिल्ली, 18 जनवरी, 2001

का.मा. 282:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2001, को प्राप्त हुआ था।

[सं.एल.-22012/514/99-सी-II]

एन.पी. .केशवन, डेस्क अधिकारी

New Delhi. the 18th January, 2001

S.O. 282.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Lucknow, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 17-1-2001.

[No. L-22012/514/99-C-II]

N. K. AGRAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESIDING OFFICER : RUDRESH KUMAR.
ADJUDICATION

BETWEEN

The Secretary,
Bhartiya Khadya Nigam Karmchari Sangh,
5-6, Habibullah Estate,
Hazratganj,
Lucknow (U.P.).

AND

The Sr. Regional Manager,
Food Corporation of India,
5-6, Habibullah Estate,
Hazratganj,
Lucknow (U.P.).

By reference No. L-22012/514/99/IR(CM-II), dated 6-7-2000, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of the sub-section (1) of section 10 of I.D. Act, 1947 made over this industrial dispute between The Secretary, Bhartiya Khadya Nigam Karmchari Sangh and Sr. Regional Manager, Food Corporation of India, Lucknow for adjudication. The reference is re-produced as under :

“Whether the action of the Management of FCI in not giving promotion panel of 1983 to Ajay Kishore and not placing him in between the seniority No. 230 and 231 at zonal seniority of 1997 is legal and justified. If not, to what relief the workman is entitled?”

1. Present industrial dispute was raised by the State Secretary, Bhartiya Khadya Nigam Karmchari Sangh, espousing the cause of Mr. Ajay Kishore. During the proceeding before this Tribunal, it was brought to notice that the union is no longer interested in espousing the cause of Mr. Ajay Kishore. Accordingly, a notice was issued to Mr. Ajay Kishore to make the position clear. He appeared before this Tribunal on 16-11-2000 and desired to contest his case. An application was also filed seeking his substitution at the place of union.

2. Mr. Ajay Kishore is not legally entitled to be substituted as workman in this adjudication, as he has no locus standi. This industrial dispute is raised by the union. He is an aggrieved person and may raise the dispute himself. Since the union for reasons best known to it, decided not to espouse his cause, so belatedly in the middle of the proceeding, Mr. Ajay Kishore should not be deprived of opportunity to seek redressal of his cause, on technical

pleas. Accordingly, the reference is not adjudicated on merit and is returned.

Award accordingly.

Lucknow, 6-12-2000

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 23 जनवरी, 2001

का.भा. 283.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्ड्यू.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मागपुर के रजिस्ट्रार को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-1-2001 को प्राप्त हुआ था।

[स.एल.-22012/206/97-सी-II]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 23rd January, 2001

S.O. 283.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of W.C.L. and their workman, which was received by the Central Government on 22-1-2001.

[No. L-22012/206/97-C-II]

N. P. KESHAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. : CGIT-172/2000

Employers in relation to the management of W.C. Ltd.

AND

Their Workman Shri Sewakram.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order L-22012/206/97-IR(C-II) dated 16-7-98 on the following schedule.

SCHEDULE

"Whether the action of the Sub-Area Manager, Pipla Mine, P.O. Pipla, Dist. Nagpur(MS) in dismissing the workman Sh. Sewakram S/o Khemchand, Ex. Tub Loader of Pipla Mine, resident of Datala East, P.O. Junar-deo, Dist. Chhindwara (MP) from 24-6-96 is justified? If not, to what relief and benefits is to be granted to the workman concerned?"

This reference was sent to CGIT, Court No. 1, Mumbai. The first date fixed by the court was 15-9-98. The workman in this case was represented by Shri Ramkishan Pal, Joint Secretary, BKKDMS Union. The case was transferred to CGIT Court, Nagpur in June, 2000.

The notices were sent to the parties and the case was fixed for 18-8-2000. Nobody appeared from the side of workman. The case was again adjourned to 4-10-2000, 30-10-2000 and 4-12-2000. On 4-12-2000 the telegram was received from Shri Ramkishan Pal for adjournment. Today i.e. on 8-1-2001 the case was taken up at 12.50 P.M. Neither the workman nor any other representative of the Union appeared to conduct the case for the workman.

I have heard the representative of the management of WCL Shri Rajiv Sharma. In this case the workman was dismissed from service by the management of Sub-Area Manager, Pipla on 24-6-96. The workman Shri Sewakram S/o Shri Khemchand was Tub loader in Pipla Mine at Nagpur.

Shri Rajiv Kumar Sharma argued that the workman remained absent from duty from 1-7-91 to 30-6-92. The chargesheet was submitted against him on 15-1-93. The workman was represented during the enquiry by co-worker Shri R. P. Nag.

The Deputy Personnel Manager Shri Rājiv Kumar Sharma represented that the workman was provided with the copy of the proceedings of the enquiry on day to day basis and the representative of the workman had cross examined the witnesses.

The Enquiry Officer found the workman guilty for being habitually absent without any reasonable cause from 1-7-91 to 30-6-92. He was dismissed from service vide order No. SAM/PG/Dismissal/93/386 dated 25-6-93. The management in his Written Statement has also mentioned that the workman only for 81 days from July, 1991 to June, 1992. In September, 1991 he did not work for any day. In March, 1992 he worked for one day only. In April, 1992 he worked only for one day. In October, 1991 he worked only for one day. The details of the attendance of the workman and the list of absentees are shown in the Written Statement filed by the management dated 9-11-98.

The Deputy Personnel Manager argued that the workman was provided full opportunity during the enquiry proceedings to produce evidence in his defence, but failed to submit any evidence in support of his unauthorised absence.

In view of the above facts the workman has not submitted any document to show that the action of the management was unjustified.

Considering the evidence on record, the action of the management for dismissing the workman from 24-6-96 is justified.

ORDER

The action of the management of the Sub Area Manager, Pipla Mine in dismissing the workman Shri Sewakram, Ex Tub loader from 24-6-96 is justified. The workman is not entitled to any relief.

The reference is answered accordingly.

Dated : 8-1-2001.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 23 जनवरी, 2001

का.मा. 284.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्ड्यू.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय

नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-1-2001 को प्राप्त हुआ था।

[सं.एल.-22012/515/99-सी-II]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 23rd January, 2001

S.O. 284.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal|Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of W.C.L. and their workman, which was received by the Central Government on 22-1-2001.

[No. L-22012/515/99-C-II]

N. P. KESHAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer

Reference No. : CGIT-223/2000

Employers in relation to the management of
Sub Area Manager, WCL

and

Their Workman Shri Chhatislal Kanhyalal

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order L-22012/515/99/IR(CM-II) dt. 13-07.2000 on the following schedule.

SCHEDULE

"Whether the action of the management i.e. Sub Area Manager, Ballarpur Colliery of WCL, PO : Ballarpur, Distt. Chandrapur in dismissing Sh. Chhatislal Kanhyalal, Loader, Ballarpur Colliery is legal, proper and justified? If not, to what relief the workman is entitled and from which date? What other directions are necessary in the matter?"

This reference was received in August 2000. Notice was issued to the workman through the President Rashtriya Koyla Khadan Mazdoor Sangh (INTUC) on 5-9-2000 fixing date 20-10-2000. Neither the workman nor the President of the union turned up to file the Statement of claim for the workman on this date i.e. 20-10-2000.

The case was again adjourned to 8-12-2000. On this date also neither the workman turned up nor any representative of his union appeared to file the statement of claim. Shri B. N. Prasad, counsel for WCL submitted Vakalatnama on this date.

The case was again adjourned to 3-1-2001. On 8-12-2000 the court again passed the order to issuing notice to the union as the workman and the representative of the union had not filed any statement of claim.

Again the notice was issued on 19-12-2000 informing the workman and the President of the union.

Today, also i.e. on 3-1-2001 neither the workman turned up nor any representative of his union turned up to file the statement of claim and to contest the case.

As the workman and the President of the Union have not submitted any statement of claim in the inspite of sending information to them repeatedly by post, the reference is disposed off for want of prosecution.

ORDER

The reference is disposed off for want of prosecution as that workman Sh. Chhatislal Kanhyalal or the representative of his union have not submitted any statement of claim. The workman is therefore not entitled to any relief.

The reference is answered accordingly.

Dated : 03-01-2001

B. G. SAXENA, Presiding Officer

नई दिल्ली, 2 फरवरी, 2001

का. आ. 285.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि यूरेनियम उद्योग को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 19 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/9/97-ग्री. सं. (मी. वि.)]

एच. सी. गुप्ता, अवर सचिव

New Delhi, the 2nd February, 2001

S.O. 285.—Whereas the Central Government is satisfied that the public interest requires that the Uranium Industry which is covered by item 19 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/9/97-IR(PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 2 फरवरी, 2001

New Delhi, the 2nd February, 2001

का. मा. 286.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार मानव संसाधन विकास मंत्रालय के केन्द्रीय सचिवालय सेवा संवर्ग में माध्यमिक शिक्षा तथा उच्चतर शिक्षा विभाग में कार्यरत डैस्क अधिकारी श्री भार. विजय को दिनांक 15 जनवरी, 2001 (पूर्वाह्न) से उत्प्रवासी संरक्षी-II तिरुवनंतपुरम के रूप में नियुक्त करती है।

[संख्या एस.-11011/1/2000-उत्प्रवास]

हरि सिंह, उप सचिव

S.O. 286.—In exercise of the powers conferred by Section 3, Sub-Section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri R. Vijay, Desk Officer of CSS Cadre of the Ministry of Human Resource Development, Department of Secondary Education and Higher Education, as Protector of Emigrants-II, Thiruvananthapuram, with effect from 15th January, 2001 (F.N.).

[No. S-11011/1/2000-Emig.]

HARI SINGH, Dy. Secy.